

**HOUSE JOURNAL  
61ST LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 13, 2009

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

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

1/13/2009

**HB 54**, do pass. Report adopted.

**HB 58**, do pass. Report adopted.

**HB 134**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 239**, introduced by Lake, referred to Appropriations.

**HB 240**, introduced by Lake, referred to Appropriations.

**HB 241**, introduced by Kottel, referred to Judiciary.

**HB 242**, introduced by McAlpin, referred to Judiciary.

**HB 243**, introduced by Hunter, McGee referred to Human Services.

**HB 244**, introduced by Ankney, referred to Local Government.

**HB 245**, introduced by Ankney, referred to Local Government.

**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 Himmelberger in the chair.

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

**HR 1** - Representative Villa moved **HR 1** be adopted.

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

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 116** - Representative McNutt moved **HB 116** do pass. Motion carried as follows:

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

Total 80

Nays: Augare, B. Beck, Bennett, Brown, Campbell, Ingraham, Jopek, Kerns, Kottel, Lake, Mendenhall, Miller, More, Randall, Reichner, Sales, Sonju, Vance, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

**HB 101** - Representative Welborn moved **HB 101** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, 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, 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 97

Nays: Barrett, Regier, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger 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, 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

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Stoker, Chairman):

1/13/2009

**HB 122**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** the first "AND"

**Following:** "17-8-411,"

**Insert:** "AND 17-8-412,"

2. Page 3, line 17.

**Strike:** "government attorney"

**Insert:** "governmental entity"

3. Page 9.

**Following:** line 4

**Insert:** "**Insert: "Section 9.** Section 17-8-412, MCA, is amended to read:

**"17-8-412. Prohibitions on employers -- employee remedies.** (1) A governmental entity or private entity may not adopt or enforce a rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency with regard to or from acting in furtherance of an investigation of a violation of 17-8-403 or an action brought pursuant to 17-8-405 or 17-8-406.

(2) A governmental entity or private entity may not discharge, demote, suspend, threaten, harass, or deny promotion to or in any other manner discriminate against an employee in the terms and conditions of employment

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because of the employee's disclosure of information to a government or law enforcement agency pertaining to a violation of 17-8-403.

- (3) (a) A governmental entity or private entity that violates the provisions of subsection (2) is liable for:
- (i) reinstatement to the same position with the same seniority status, salary, benefits, and other conditions of employment that the employee would have had but for the discrimination;
  - (ii) back pay plus interest on the back pay;
  - (iii) compensation for any special damages sustained as a result of the discrimination; and
  - (iv) reasonable court or administrative proceeding costs and reasonable attorney fees.
- (b) An employee may file an action for the relief provided in this subsection (3)."""

**Renumber:** subsequent sections

4. Page 9, line 13.

**Strike:** "[Section 9]"

**Insert:** "[Section 10]"

5. Page 9, line 14.

**Strike:** "[section 9]"

**Insert:** "[section 10]"

And, as amended, do pass. Report adopted.

**MOTIONS**

Rep. Campbell, moved that **HB 194** be moved from Appropriations to Natural Resources. Motion carried.

Rep. Campbell, moved that **HB 188** be moved from Judiciary to Business and Labor.

Rep. Campbell, moved that **HB 189** be moved from Judiciary to Business and Labor.

**ANNOUNCEMENTS**

Mr. Speaker, without objection **HB 37** will be placed in the back of the room for preview, due to its extensive length the it will cost upwards of \$10,000 to print and hand out to individual representatives so it will not be printed and distributed individually. The preview will be for the 2nd reading of the bill. Rep. Campbell is the sponsor, if there are any questions.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 14, 2009. Motion carried.

House adjourned at 1:46 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House