

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 6, 2009

House Chambers
State Capitol

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

Roll Call. All members present except Representatives Glaser, P. Noonan, Wilson. Quorum present.

Mr. Speaker introduced the pages for the week, John Bishop (Polson), Meghan Callahan (East Helena), Joe Dillon (Missoula), Megan Gorneau (Poplar), Christopher Jolley (Victor), Bridgett Lake (Ronan), Anders Landgren (Billings), Ross Melvin (Butte), Stevie Short (Emigrant).

Rep. Himmelberger thanked Rep. Sands, Sen. Brenden, the Choir and the legislative spouses and everyone else who participated during yesterday's memorial.

Rep. McGillvray rose on a point of personal privilege to apologize for storming out of the chamber after the his **HJR 31** failed, last Friday, April 4th.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/3/2009

SB 57, introduced by Gillan
SB 58, introduced by Gillan
SB 95, introduced by Brueggeman
SB 123, introduced by Squires
SB 133, introduced by Kaufmann
SB 148, introduced by J. Peterson
SB 164, introduced by De. Barrett
SB 174, introduced by Perry
SB 202, introduced by Hinkle
SB 299, introduced by J. Tropila
SB 351, introduced by Essmann
SB 371, introduced by Perry
SB 399, introduced by Laslovich

House amendments to Senate bills not concurred in:

4/3/2009

SB 305, introduced by Tutvedt
SB 310, introduced by Shockley
SB 348, introduced by Essmann
SB 404, introduced by Brueggeman

SB 48 - The Senate failed to concur in House amendments to **SB 48**, authorized the President to appoint the following Free Conference Committee, and requested that the House appoint a like committee to confer on **SB 48**:

4/3/2009

Senator Essmann, Chair
Senator Gillan
Senator Tutvedt

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SB 108 - The Senate failed to concur in House amendments to **SB 108**, authorized the President to appoint the following FREE Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 108**:

4/3/2009

Senator McGee, Chair
Senator Zinke
Senator Jent

House bills concurred in and returned to the House:

4/3/2009

HB 373, introduced by Wilmer
HB 380, introduced by Stahl
HB 416, introduced by MacDonald
HB 475, introduced by Phillips
HB 635, introduced by McChesney

House joint resolution concurred in and returned to the House:

4/3/2009

HJR 15, introduced by Milburn

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

4/3/2009

HB 269, introduced by Mehlhoff
HB 318, introduced by Kottel
HB 384, introduced by Villa
HB 630, introduced by Sands

Conference Committee Report No.1 adopted:

4/3/2009

HB 23, introduced by Himmelberger

MESSAGES FROM THE GOVERNOR

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

4/3/2009

House Bill 24 sponsored by Representative Boniek,
House Bill 67 sponsored by Representative Belcourt,
House Bill 72 sponsored by Representative Sands,
House Bill 93 sponsored by Representative Sands,

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House Bill 367 sponsored by Representative McGillvray et al.,
Senate Bill 20 sponsored by Representative Jent,
Senate Bill 82 sponsored by Representative Steinbeisser,
Senate Bill 197 sponsored by Representative Laslovich,
Senate Bill 319 sponsored by Representative Keane et al.,
Senate Bill 325 sponsored by Representative Perry,
Senate Bill 368 sponsored by Representative Erickson et al.,
Senate Bill 432 sponsored by Representative R. Brown et al.

Sincerely,

BRIAN SCHWEITZER
Governor

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 190, as amended by the Senate, passed 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, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, 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, 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 96

Nays: Boniek, Klock, Randall.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

HB 218, as amended by the Senate, passed 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, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 89

Nays: Boniek, Hendrick, Ingraham, Kasten, Lake, Morgan, Randall, Smith, Warburton.
Total 9

Excused: Glaser.
Total 1

Absent or not voting: Welborn.
Total 1

HB 409, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, 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, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Berry, Howard, Ingraham, Kasten, McGillvray, Mendenhall, Regier, Sales, Smith, Stoker, Vincent, Wagner.
Total 12

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

HB 420, as amended by the Senate, passed as follows:

Yeas: 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, Ingraham, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 46

Excused: Glaser.
Total 1

Absent or not voting: None.

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Total 0

HB 443, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, B. Beck, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Lake, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vincent, Wagner, Warburton.

Total 26

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HB 546, as amended by the Senate, passed as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, O'Hara, Peterson, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vincent, Wagner, Washburn, Welborn.

Total 32

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 22 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff,

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Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Ingraham, Jones, Kasten, Kerns, Lake, Mendenhall, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Vance, Wagner.
Total 24

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 226 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Kerns, Mendenhall, Milburn, Miller, Nooney, Peterson, Randall, Roberts, Sales, Smith, Taylor, Vance, Vincent, Warburton, Washburn.
Total 21

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 231 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, 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, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Blasdel, Boniek, Brown, Kasten, Mendenhall, More, Morgan, Randall, Sales, Sonju, Wagner, Welborn.
Total 12

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Excused: Glaser.
Total 1

Absent or not voting: Getz.
Total 1

SB 280 concurred in 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, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Wagner.
Total 1

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 292 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, 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 96

Nays: Caferro, Henry, Hollenbaugh.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 353 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, 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 95

Nays: Bean, Boniek, Butcher, Ingraham.
Total 4

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 361 concurred in 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, 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 99

Nays: None.
Total 0

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 426 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

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Nays: Ankney, Bean, Blasdel, Boniek, Brown, Butcher, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Sales, Sonju, Wagner.
Total 22

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 430 concurred in 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, 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, Milburn, Miller, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Boniek, Mendenhall, More, Wagner.
Total 4

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 446 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Wagner, Warburton.
Total 19

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

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Rep. Mendenhall announced that the House Republicans will caucus for 10 minutes.
Rep. Phillips announced that the House Democrats will stand at ease.
Mr. Speaker announced that the House will recess for 10 minutes at 1:30 p.m.
The House came to order at 1:40 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 Reinhart in the chair.

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

HJR 31 - Moved to reconsider action taken on the 74th legislative day, April 4, 2009 and that **HJR 31** be placed on second reading on this the 76th legislative day. Motion requires simple majority vote. Motion carried as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, 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: Ankney, 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, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.
Total 47

Excused: Glaser, P. Noonan, Wilson.
Total 3

Absent or not voting:
Total 0

Rep. Ankney rose on a point of order, to inform the body that his vote button did not work and that he would like to be recorded as a "NO".

SB 79 - Conference Committee Report No. 1 - Representative Sands moved the Conference Committee report to **SB 79** 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, 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, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Morgan, Steenson.
Total 2

Excused: Glaser.
Total 1

Absent or not voting: McGillvray.
Total 1

HB 34 - Senate Amendments - Representative Wilmer moved Senate amendments to **HB 34** 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, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, 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 98

Nays: None.
Total 0

Excused: Glaser.
Total 1

Absent or not voting: Hiner.
Total 1

HB 40 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 40** be concurred in. 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, 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, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Boniek.
Total 1

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Excused: Glaser.
Total 1

Absent or not voting: Sales.
Total 1

HB 374 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Brown, More.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: Phillips, Sesso.
Total 2

HB 486 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 486** *not* be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, 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, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Kasten, Mendenhall, Sales, Vance, Wagner.
Total 5

Excused: Glaser.
Total 1

Absent or not voting: Blewett.
Total 1

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HB 534 - Senate Amendments - Representative Campbell moved Senate amendments to **HB 534** be concurred in. Motion carried as follows:

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

Total 84

Nays: Berry, Blasdel, Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Miller, More, Smith, Vincent, Wagner.

Total 13

Excused: Glaser.

Total 1

Absent or not voting: Arntzen, Jones.

Total 2

HB 536 - Senate Amendments - Representative Malek moved Senate amendments to **HB 536** 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, 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, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Miller, Wagner.

Total 2

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HB 574 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 574** 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, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Wagner.

Total 1

Excused: Glaser.

Total 1

Absent or not voting: French.

Total 1

HB 602 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 602** *not* be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Ankney, Blasdel, Boniek, Hawk, Hendrick, Kasten, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Wagner, Welborn.

Total 18

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HJR 9 - Senate Amendments - Representative Furey moved Senate amendments to **HJR 9** 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, 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.

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Total 98

Nays: None.

Total 0

Excused: Glaser.

Total 1

Absent or not voting: Grinde.

Total 1

SB 65 - Representative McNutt moved **SB 65** be concurred in. 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, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, 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, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Kerns, Randall, Sales, Sonju, Vance.

Total 6

Excused: Glaser.

Total 1

Absent or not voting: Himmelberger, Jones, Sesso.

Total 3

SB 86 - Representative Blasdel moved **SB 86** be concurred in. 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, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Stoker.

Total 1

Excused: Glaser.

Total 1

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Absent or not voting: Boniek, Grinde.
Total 2

SB 263 - Representative Menahan moved **SB 263** 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, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, 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 96

Nays: Caferro, Hunter, Miller.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.
Total 86

Nays: P. Beck, Boniek, Mendenhall, Miller, Sales, Vance, Vincent, Welborn.
Total 8

Excused: Glaser, P. Noonan, Wilson.
Total 3

Absent or not voting: Himmelberger, Hiner, Howard.
Total 3

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 622**

Report No. 0, April 6, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 622** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 622** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "CHARITY"

Insert: "OR DEPOSITED TO A NEW CONSTITUENT SERVICES ACCOUNT"

2. Page 2, line 9.

Following: "2009"

Insert: ", or deposit the money by July 1, 2009, into a constituent services account established after May 14, 2007, and shall close the old account"

3. Page 2, line 11.

Strike: "DONATED pursuant"

Insert: "subject"

For the House:

Dickenson, Chairman
MacLaren
Himmelberger
Sands

For the Senate

R. Brown, Chairman
Brenden
Windy Boy

MOTIONS

Rep. Campbell moved that **SB 263** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that the Conference Committee on **SB 108** be dissolved and that the Speaker be Authorized to appoint a FREE Conference Committee on **SB 108**.

The Speaker appoints:

Rep. Menahan, Vice Chair
Rep. Kottel
Rep. Stoker
Rep. Kerns

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 602** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Cohenour, Vice Chair
Rep. French

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Rep. Brown
Rep. Washburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 348** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Wilmer, Vice Chair
Rep. Malek
Rep. Himmelberger
Rep. Mendenhall

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 404** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Van Dyk, Vice Chair
Rep. Cohenour
Rep. Hendrick
Rep. Milburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 486** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Reinhart, Vice Chair
Rep. Ebinger
Rep. Maclaren
Rep. Vance

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 305** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Reinhart, Vice Chair
Rep. Ebinger
Rep. Berry
Rep. Stahl

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 310** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Reinhart, Vice Chair
Rep. Sands
Rep. Ingraham
Rep. Reichner

MESSAGES FROM THE GOVERNOR

April 3, 2009

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The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 418, **"AN ACT AUTHORIZING INVESTOR-OWNED EQUINE SLAUGHTER OR PROCESSING FACILITIES; PROHIBITING A COURT FROM GRANTING AN INJUNCTION TO STOP OR DELAY THE CONSTRUCTION OF AN EQUINE SLAUGHTER OR PROCESSING FACILITY BASED ON LEGAL CHALLENGES OR APPEALS OF A PERMIT, LICENSE, CERTIFICATE, OR OTHER APPROVAL ISSUED IN CONJUNCTION WITH ENVIRONMENTAL LAWS; SETTING BONDING REQUIREMENTS; AND AMENDING SECTIONS 75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641, 81-9-111, 81-9-112, 81-9-115, 81-9-116, 81-9-201, 81-9-229, AND 81-9-230, MCA"** for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 418

2. Title, line 8.

Strike: "INVESTOR-OWNED"

3. Title, lines 9 through 12.

Following: "FACILITIES;" on line 9

Strike: remainder of line 9 through "REQUIREMENTS;" on line 12

4. Title, line 13.

Strike: "75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641,"

5. Page 1, line 18 through page 9, line 15.

Strike: sections 1 through 7 in their entirety

Renumber: subsequent sections

6. Page 11, line 21.

Strike: "Investor-owned equine"

Insert: "Equine"

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7. Page 12, line 21 through line 23.
Strike: section 15 in its entirety

- END -

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 55, **"AN ACT REQUIRING THE YOUTH COURT TO IMPOSE RESTRICTIONS ON A DELINQUENT YOUTH'S RESIDENCY IF THE YOUTH HAS BEEN ADJUDICATED FOR A SEXUAL OFFENSE AND HAS BEEN DETERMINED TO BE A LEVEL 3 SEXUAL OFFENDER; REQUIRING NOTIFICATION TO SCHOOL DISTRICTS; AMENDING SECTION 41-5-1513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"** for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 55

8. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 41-5-215 AND"

9. Page 1.
Following: line 11
Insert: "**Section 1.** Section 41-5-215, MCA, is amended to read:
 "41-5-215. Youth court and department records -- notification of school. (1) Formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under 41-5-216.
 (2) Social, medical, and psychological records, youth assessment materials, predispositional studies, and

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supervision records of probationers are open only to the following:

- (a) the youth court and its professional staff;
 - (b) representatives of any agency providing supervision and having legal custody of a youth;
 - (c) any other person, by order of the court, having a legitimate interest in the case or in the work of the court;
 - (d) any court and its probation and other professional staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;
 - (e) the county attorney;
 - (f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;
 - (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is not listed in this subsection (2);
 - (h) members of a local interagency staffing group provided for in 52-2-203;
 - (i) persons allowed access to the reports referred to under 45-5-624(7); and
 - (j) persons allowed access under 42-3-203.
- (3) (a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e) and subject to the provisions of subsection (3)(b) of this section, the youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal activity if after an investigation has been completed:
- (i) the youth has admitted the allegation or a petition has been filed with the youth court; and
 - (ii) a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children.
- (b) Notification under subsection (3)(a) may not be given for status offenses.
- (c) In addition to the notice requirements in subsection (3)(a), the youth court shall provide notice to the superintendent of a school district for a level 3 sexual offender as provided in 41-5-1513(3).
- ~~(d)~~ A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990.
- ~~(e)~~ The administrative officials of the school district may enforce school disciplinary procedures that existed at the time of the admission or adjudication. The information may not be further disclosed and may not be made part of the student's permanent records.
- (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the youth, as provided in 41-5-1416.
- (5) The school district may disclose, without consent, personally identifiable information from an education record of a pupil to the youth court and law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities receiving the information shall certify in writing to the school district that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent or guardian of the pupil.
- (6) Any part of records information secured from records listed in subsection (2), when presented to and used by the court in a proceeding under this chapter, must also be made available to the counsel for the parties to the proceedings."

{Internal References to 41-5-215:

41-5-216x 41-5-216x 41-5-216x 41-5-221x
42-3-203x 52-2-211x }"

Renumber: subsequent sections

- END -

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, April 7, 2009. Motion carried.

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House adjourned at 2:28 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House