

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

Helena, Montana
January 17, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Madam Speaker Pro Tempore in the Chair. Invocation by Rep. Kasten. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Except Representatives Bergren, A. Noonan, P. Noonan, Reichner, Roundstone, who were excused.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 1/17/2009
HB 97, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/17/2009

SB 35, introduced by Jent
SB 40, introduced by Juneau
SB 47, introduced by Steinbeisser
SB 74, introduced by Laible
SB 91, introduced by Juneau
SB 133, introduced by Kaufmann

FIRST READING AND COMMITMENT OF BILLS

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

HB 282, introduced by Grinde, MacDonald, referred to Agriculture.
HB 283, introduced by Himmelberger, referred to Business and Labor.
HB 284, introduced by Dickenson, De. Barrett, McClafferty, P. Noonan, Hiner, Van Dyk, referred to Business and Labor.
HB 285, introduced by Reinhart, Arntzen, Miller, Vincent, Bennett, Gebhardt, Mendenhall, McAlpin, Barrett, Sands, Ripley, Perry, Van Dyk, Sesso, Cooney, MacDonald, Stahl, Laslovich referred to Natural Resources.
HB 286, introduced by Sonju, referred to Business and Labor.
HB 287, introduced by Driscoll, Keane, Villa, Beck, Taylor referred to Federal Relations, Energy, and Telecommunications.
HB 288, introduced by Kerns, McGee referred to Judiciary.
HB 289, introduced by Phillips, referred to State Administration.
HB 290, introduced by Grinde, MacDonald, referred to Agriculture.
HB 291, introduced by Sonju, referred to Business and Labor.
HB 292, introduced by Henry, Zinke referred to Human Services.
HB 293, introduced by Hiner, Villa referred to Judiciary.
HB 294, introduced by MacLaren, Blasdel, Lewis, Sesso, Gallus, Windy Boy, Wanzenried, Villa referred to Federal Relations, Energy, and Telecommunications.
HB 295, introduced by Menahan, Hollenbaugh, Howard, O'Hara, Wilson, Driscoll, Perry, Essmann, MacDonald, Moss, Jones referred to Judiciary.

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HB 296, introduced by Menahan, Juneau, Campbell, Windy Boy, Augare, Stewart-Paraguay, Roundstone, Calf Boss Ribs, referred to Fish, Wildlife and Parks.

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

HJR 11, introduced by Sands, Dickenson, Wilmer, Pomnichowski, Campbell, Moss, Juneau, Gillan, Schmidt, Malek, Henry, Cohenour, Driscoll, MacDonald, McClafferty, French, Squires, Williams, Stewart-Paraguay, Kaufman, Pease-Lopez, Boland, Hands, Steenson, Kottel on referred to Human Services.

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

SB 35, introduced by Jent, referred to Judiciary.
SB 40, introduced by Juneau, referred to Judiciary.
SB 47, introduced by Steinbeisser, referred to Business and Labor.
SB 74, introduced by Laible, referred to Local Government.
SB 91, introduced by Shockley, referred to Judiciary.
SB 133, introduced by Kaufmann, referred to Business and Labor.

**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.

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

HB 112 - Representative Sesso moved **HB 112** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, 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, Jones, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 68

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Ingraham, Kerns, McGillvray, Mendenhall, Miller, Nooney, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Welborn.

Total 25

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Klock, Pease-Lopez.

Total 3

HB 100 - Representative Steenson moved **HB 100** do pass. Motion **carried** as follows:

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Yeas: Ankney, 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, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Nooney, O'Hara, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman.

Total 72

Nays: Arntzen, Bean, Boniek, Butcher, Howard, Kasten, Malek, McGillvray, Miller, More, Morgan, Peterson, Roberts, Sales, Smith, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Washburn.

Total 22

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Pease-Lopez.

Total 2

HB 107 - Representative Hiner moved **HB 107** 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, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, 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 94

Nays: None.

Total 0

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Pease-Lopez.

Total 2

HB 120 - Representative McChesney moved **HB 120** 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, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, 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 95

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Nays: None.
Total 0

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.
Total 4

Absent or not voting: Pease-Lopez.
Total 1

Rep. Himmelberger corrected his Point of Order from yesterday and stated that in fact debate is allowed on the motion that Rep. Hunter made, moving **HB 119** to a further date for second reading.

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 unanimously.

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, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.
Total 89

Nays: McGillvray, Sales, Smith.
Total 3

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.
Total 4

Absent or not voting: Barrett, Pease-Lopez, Roundstone, Wilmer.
Total 4

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 19 passed 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, 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, Nooney, O'Hara, 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 95

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Nays: Campbell.
Total 1

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

HB 24 passed 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, Nooney, O'Hara, 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 96

Nays: None.
Total 0

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

HB 136 passed 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, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 78

Nays: Bean, Boniek, Butcher, Howard, Kasten, Kerns, McGillvray, Morgan, Nooney, Randall, Regier, Sonju, Stoker, Taylor, Warburton.
Total 15

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Brown, Grinde, MacLaren, Pease-Lopez.
Total 4

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HB 146 passed 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, Nooney, O'Hara, 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 96

Nays: None.

Total 0

Excused: A. Noonan, P. Noonan, Mr. Speaker.

Total 3

Absent or not voting: Pease-Lopez.

Total 1

HB 149 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 90

Nays: Bennett, Kasten, Kerns, Randall, Vincent.

Total 5

Excused: A. Noonan, P. Noonan, Mr. Speaker.

Total 3

Absent or not voting: Blasdel, Pease-Lopez.

Total 2

HB 151 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, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton,

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Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 89

Nays: Boniek, Hawk, Kasten, Lake, Mendenhall, Regier, Sales.
Total 7

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

SPECIAL ORDERS OF THE DAY

Madam Speaker Pro Tempore. I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 14 (Nooney, Chief Sponsor) 01/17/09
Senator Williams and Representative Furey

REPORTS OF STANDING COMMITTEES

EDUCATION (Grinde, Chairman): 1/17/2009
HB 38, do pass. Report adopted.
HB 46, do pass. Report adopted.
HB 57, do pass. Report adopted.
HJR 6, be adopted. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/17/2009
HB 39, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/19/2009
HB 41, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "75-5-401,"

2. Page 1, line 11 through page 3, line 16.
Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, January 19, 2009. Motion carried.

House adjourned at 8:44 a.m.

DAVE HUNTER
Chief Clerk of the House

FRANKE WILMER
Speaker Pro Tempore of the House