

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

Helena, Montana
January 19, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Except A. Noonan, P. Noonan who were not excused. Quorum present.

Mr. Speaker introduced the pages for the week James Keller (Missoula), Danielle McClure (Roy), Shawna Pratt (Miles City), Matthew Kirkpatrick (Billings), Brittne Wersal (Glasgow), Jasmine Carlson (Kalispell), Susanna Siroky (Roy).

Rep. Sands Point of Order made remarks in honor of Martin Luther King Jr. Day.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):	1/19/2009
HB 70 , do pass. Report adopted.	
HB 72 , do pass. Report adopted.	
HB 106 , do pass. Report adopted.	
JUDICIARY (Stoker, Chairman):	1/19/2009
HB 102 , do pass. Report adopted.	
NATURAL RESOURCES (Milburn, Chairman):	1/19/2009
HB 78 , do pass. Report adopted.	

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:	1/19/2009
SB 5 , introduced by Erickson	
SB 33 , introduced by Lewis	
SB 45 , introduced by McGee	
SB 55 , introduced by Steinbeisser	
SB 103 , introduced by Moss	
SB 108 , introduced by Jent	

FIRST READING AND COMMITMENT OF BILLS

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

HB 297, introduced by Ebinger, referred to Business and Labor.
HB 298, introduced by Blewett, Peterson, Kottel, Menahan, Shockley referred to Judiciary.
HB 299, introduced by Kottel, referred to Taxation.

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

SB 5, introduced by Erickson, referred to Natural Resources.

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

SB 33, introduced by Lewis, referred to Federal Relations, Energy, and Telecommunications.

SB 45, introduced by McGee, referred to Judiciary.

SB 55, introduced by Steinbeisser, referred to Agriculture.

SB 103, introduced by Moss, referred to Judiciary.

SB 108, introduced by Jent, referred to Judiciary.

**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 McNutt in the chair.

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

HB 57 - Representative Bean moved **HB 57** 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, 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: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

HB 62 - Representative Hamilton moved **HB 62** do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Mr. Speaker.

Total 47

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

HB 63 - Representative Pomnichowski moved **HB 63** do pass. Motion **carried** 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, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 50

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

Total 49

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 67 - Representative Belcourt moved **HB 67** do pass. Motion **carried** as follows:

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

Total 88

Nays: B. Beck, Berry, Getz, Kasten, Kerns, MacLaren, Randall, Regier, Sales, Stoker, Warburton, Welborn.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 127 - Representative Sesso moved **HB 127** do pass. Motion **carried** as follows:

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

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

Total 84

Nays: Bennett, Brown, Hoven, Kerns, Mendenhall, Miller, More, Peterson, Randall, Stoker, Vance, Wagner, Warburton.

Total 13

Excused: None.

Total 0

Absent or not voting: P. Noonan, Sales, Mr. Speaker.

Total 3

HB 155 - Representative Pomnichowski moved **HB 155** 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, Noonney, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan, Villa.

Total 3

HJR 6 - Representative Lake moved **HJR 6** be adopted. 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, Noonney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Barrett, A. Noonan, P. Noonan.

Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt 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, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 89

Nays: Blasdel, Butcher, Hendrick, McGillvray, Randall, Stahl, Vincent.

Total 7

Excused: None.

Total 0

Absent or not voting: McNutt, A. Noonan, P. Noonan, Wilson.

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 100 passed as follows:

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

Total 79

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

Nays: B. Beck, Bennett, Berry, Boniek, Butcher, Kasten, McGillvray, Miller, Morgan, Nooney, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan, Welborn.

Total 3

HB 107 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, 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: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

HB 112 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hoven, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Vance, Vincent, Wagner, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan, Welborn. Total 3

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 19, 2009

HB 120 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, 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: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

MOTIONS

Rep. Campbell moved that **SR 1** be moved from State Administration to House Rules. Motion carried.

Rep. Campbell moved that **HB 215** be moved from State Administration to Business and Labor. Motion carried.

Rep. Campbell moved that **HB 240** be moved from Appropriations to House Taxation. Motion carried.

Rep. Campbell moved that **HB 235** be moved from House Taxation to Judiciary. Motion carried.

Rep. Campbell moved to reconsider actions taken on **HB 63** and for to move it to the 13th legislative day. Motion carried.

ANNOUNCEMENTS

Mr. Speaker reminded everyone that in honor of MLK Jr. Day there is a celebration in the rotunda today from 2:00 to 5:00p.m.

Rep. Cohenour announced that an Inauguration celebration will be held at the Great Northern Hotel Tomorrow evening to celebrate the swearing in of our 44th President of the United States.

Rep. Campbell called for a moment of silence to recognize the woman killed in Rep. Stahl's district over the weekend. A moment of silence ensued.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 20, 2009. Motion carried.

House adjourned at 2:05 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House