

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

Helena, Montana
January 22, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Rep. Becker requested for a moment of silence for a former deceased representative.

COMMUNICATIONS AND PETITIONS

January 22, 2009

Hon. Bob Bergren, Speaker
Montana House of Representatives
State Capitol
Helena, MT 59620

Dear Speaker Bergren:

The Chief Justice of Montana Supreme Court respectfully requests the opportunity to present the State of the Judiciary Address to a joint session of the Montana Senate and House of Representatives on Wednesday, February 4, 2009.

Thank you for you consideration.

Sincerely,

Lois Menzies
Court Administrator
Montana Supreme Court

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 1/22/2009
HB 143, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/22/2009
HB 27, do pass. Report adopted.
HB 118, do pass. Report adopted.
HB 121, do pass. Report adopted.
HB 135, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): 1/22/2009
HB 93, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 1/22/2009
HB 190, introduced bill, be amended as follows:

1. Title, line 10.
Following: "CONTROL"

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Insert: "OR PROPERTY MANAGEMENT"

2. Title, line 13.

Following: "CONTROL"

Insert: "OR PROPERTY MANAGEMENT"

3. Page 2, line 21.

Following: "fence"

Insert: "for livestock control or property management"

4. Page 3, line 4.

Strike: "Each"

Insert: "At county road bridges for which public access is authorized pursuant to [section 2], each"

5. Page 3, line 5.

Following: "control"

Insert: "or for property management"

6. Page 3, line 10.

Following: "control" in two places

Insert: "or property management"

7. Page 3, line 11.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

8. Page 3, line 16.

Following: "control"

Insert: "or property management"

9. Page 3, line 19.

Following: "livestock"

Insert: "or managing property"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/22/2009

HJR 9, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

1/22/2009

HB 238, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/22/2009

SB 31, introduced by Bales

SB 32, introduced by Barkus

SB 84, introduced by Gillan

SB 86, introduced by J. Tropila

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SB 88, introduced by M. Tropila
SB 96, introduced by Jent
SB 98, introduced by Keane
SB 104, introduced by Esp
SB 169, introduced by Gebhardt

FIRST READING AND COMMITMENT OF BILLS

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

HB 315, introduced by Blewett, Laslovich, Taylor, Brueggeman, referred to Taxation.
HB 316, introduced by Furey, referred to Transportation.
HB 317, introduced by Furey, Ankney, referred to Fish, Wildlife and Parks.
HB 318, introduced by Kottel, referred to Judiciary.
HB 319, introduced by Cohenour, referred to Natural Resources.
HB 320, introduced by Van Dyk, Blewett, French, Campbell, Malek, K. Peterson, Shockley, referred to Transportation.
HB 321, introduced by Cohenour, referred to Local Government.
HB 322, introduced by Blewett, K. Peterson, Welborn, referred to Judiciary.
HB 323, introduced by Himmelberger, referred to Business and Labor.
HB 324, introduced by Arntzen, Zinke, Hendrick, Welborn, Klock, Miller, Furey, Ripley, Warburton, R. Brown, French, McClafferty, P. Beck, Laslovich, Blewett, Van Dyk, Hamilton, Belcourt, Hansen, Regier, P. Noonan, McGillvray, Lewis, Hiner, Bennett, Nooney, Bean, Morgan, Howard, Taylor, Mendenhall, D. Brown, Vance, Ankney, Wilson, Smith, Boniek, Hoven, Mehlhoff, Curtiss, McChesney, Kasten, Butcher, Blasdel, Phillips, Hollandsworth, Sesso, Villa, Hamilton, K. Peterson, Roundstone, Barkus, referred to Local Government.
HB 325, introduced by Sands, McAlpin, French, J. Tropila, Reinhart, Becker, Wanzenried, Kaufmann, Juneau, referred to Business and Labor.
HB 326, introduced by Mendenhall, referred to Business and Labor.
HB 327, introduced by Stahl, referred to Taxation.
HB 328, introduced by MacLaren referred to State Administration.
HB 329, introduced by D. Brown, referred to Taxation.
HB 330, introduced by D. Brown, referred to Fish, Wildlife and Parks.
HB 331, introduced by Morgan, Kaufmann, Gebhardt, Sesso, referred to Local Government.
HB 332, introduced by Getz, Hamilton, Villa, Cohenour, referred to Education.

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

HJR 13, introduced by Hands, Wiseman, Phillips, referred to Federal Relations, Energy, and Telecommunications.

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

SB 31, introduced by Bales, referred to Fish, Wildlife and Parks.
SB 32, introduced by Barkus, referred to Fish, Wildlife and Parks.
SB 84, introduced by Gillan, referred to Business and Labor.
SB 86, introduced by J. Tropila, referred to Business and Labor.
SB 88, introduced by M. Tropila, referred to Transportation.
SB 96, introduced by Jent, referred to Judiciary.
SB 98, introduced by Keane (by request of the Fire Suppression Committee), referred to Local Government.
SB 104, introduced by Esp (by request of the Department of Livestock), referred to Agriculture.
SB 169, introduced by Gebhardt, referred to Fish, Wildlife and Parks.

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**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 Taylor in the chair.

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

HB 61 - Representative Sesso moved **HB 61** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, 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, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: B. Beck, Kasten, Mendenhall, Sales, Stoker, Wagner.

Total 6

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

Rep. Campbell moved that **HB 82** be placed on legislative day 16 for consideration. Motion carried.

HB 158 - Representative Augare moved **HB 158** do pass. Motion **carried** as follows:

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

Total 76

Nays: Bean, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Randall, Regier, Sales, Stahl, Taylor, Vance, Wagner, Washburn.

Total 23

Excused: Milburn.

Total 1

Absent or not voting: None.

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Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Taylor 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, Boss Ribs, Brown, 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, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Butcher, Hawk, Lake, McGillvray, Mendenhall, Randall, Sales, Sonju, Stahl, Wagner.

Total 11

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

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 119 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bennett, Butcher, Lake, McGillvray, Randall, Regier, Sales, Sonju, Warburton.

Total 9

Excused: Milburn.

Total 1

Absent or not voting: Boniek.

Total 1

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HB 125 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, 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: Milburn.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Villa moved that **SJR 1** be taken from the Committee on State Administration and be printed and placed on second reading on the 16th legislative day. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HJR 12** Motion carried.

HJR 12 (Stenson, Chief Sponsor)

01/22/09

Representatives Ankney, Augare, P. Beck, Beck, Becker, Belcourt, Bergren, Blasdel, Blewett, Boland, Calf Boss Ribs, Campbell, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, Menahan, Phillips, Pomnichowski, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Wilmer.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

1/22/2009

HB 188, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, January 23, 2009. Motion carried.

House adjourned at 1:38 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House