

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

Helena, Montana
January 26, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Except for Rep. Grinde who was excused. Quorum present.

Rep. Sales requested a moment of silence for Rep. Kasten's sister who passed away this past weekend.

Rep. De. Brown wished Rep. Pomnichowski a happy birthday.

Mr. Speaker introduced the pages for the week and welcome them to the house. Jonathan Billings (Helena), Benjamin Hargrove (Billings), Grace Lahey (Missoula), Cody Lux (Billings), Cassandra Putnam (Helena), Megan Russell (Great Falls), Lauran Stauffer (Butte).

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

1/26/2009

HB 133, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "40-5-908,"

Insert: "40-5-907,"

2. Page 7, line 22.

Following: "account"

Insert: "or to be paid by credit card"

3. Page 10, line 17 through page 11, line 12.

Strike: section 7 in its entirety

4. Page 11.

Following: line 12

Insert: "**Section 7.** Section 40-5-907, MCA, is amended to read:

"40-5-907. Case registry -- abstracts -- information required -- mandatory updating. (1) There must be registered in the case registry an abstract of:

(a) each case, including interstate cases, receiving IV-D services provided by the department;

(b) each support order entered and each modification of an existing support order made in this state after October 1, 1998; and

(c) each subsequent order or action establishing, modifying, adjusting, granting relief from, terminating, or otherwise affecting a support order in a registered case.

(2) Each abstract must include:

(a) the name, sex, [social security number, other] identification numbers, if any, date of birth, driver's license number, telephone number, and residential and mailing addresses of the parents;

(b) the child's name, date of birth, sex, [social security number, if any,] and residential address if different from that of the child's custodian;

(c) the name and location of the obligee if the obligee is a person or agency other than the child's parent;

(d) the name, address, and telephone number of the obligor's employer or of another payor of income to the obligor;

(e) (i) if the child is covered by a health or medical insurance plan and the information is available in an

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electronic format, the name of the insurance carrier or health benefit plan, the policy identification number, the name of the persons covered, and any other pertinent information regarding coverage; or

(ii) if the child is not covered, information as to the availability of coverage for the child through the obligor's and obligee's employers; and

(f) any other information that the department considers relevant and requires by rule.

(3) The abstract of a support order must include:

(a) the amount of the support payment and supplemental support payments, if any, for each child and the amount of spousal maintenance if ordered in the same case;

(b) the specific day or dates the payment is due;

(c) the inclusive dates of the support obligation;

(d) the terms of any condition that may affect the amount of the payment, the due date, or the obligation to pay support;

(e) each subsequent judgment for support arrears and the amounts of any interest, late payment penalties, and fees included in the judgment;

(f) any specific child support lien imposed against real or personal property of the obligor;

(g) the terms of any medical and health coverage provision for the child; and

(h) the name and county of the judicial district or the name and address of the agency where the record of the case is located and the cause number or case identification number for the case.

(4) (a) For each IV-D case with a support order registered in the case registry, there must be a record of the date and the amount of support payments made by the obligor, dates and amounts of support collected from other sources, dates of distribution of support payments, names and locations of persons or agencies to whom support payments and collections were distributed, and the balance of support owed by the obligor.

(b) Except as provided in subsection (5), the department need not maintain payment records in a non IV-D case.

(5) A copy of each non IV-D income-withholding order must be included in the case registry. For each registered income-withholding order, there must be a record of payments received by the department from the payor under the income-withholding order, the date and amount of each payment, the date the department distributed the payment, and the person or agency to whom the payment was distributed.

(6) The statistical report required by the department under 50-15-302 may be combined with and made a part of the abstract of support order form.

(7) (a) Each support order entered or modified in this state after October 1, 1998, must include a requirement that the obligor and obligee update, as necessary, the information included in the abstract under subsection (2).

(b) The order must also provide that in a subsequent child support enforcement action, upon sufficient showing that diligent effort has been made to ascertain the location of the obligor or obligee, the court or agency taking the enforcement action may consider the due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice by regular mail to the most recent address or employer address reported to the case registry.

(c) If the support order does not include the provisions required by subsections (7)(a) and (7)(b) or if the support order was entered or last modified in this state before October 1, 1998, the department may give written notice of the provisions to the obligor and obligee. Upon receipt of the notice, the provisions have the same force and effect on the obligor and obligee as if included in the support order. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):
HB 30, introduced bill, be amended as follows:

1/26/2009

1. Title, page 1, line 6.

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Following: "CRITERIA FOR"

Insert: "SCHOOL ELECTION JUDGES AND"

2. Page 6.

Following: "line 26"

Insert: "(2) An individual seeking appointment as a youth election judge must have:

(a) written consent of a parent; and

(b) if the individual is a student, written consent from the individual's school principal."

Renumber: subsequent subsections

3. Page 7, line 2.

Strike: "(2)(a)(ii)"

Insert: "(3)(a)(ii)"

4. Page 7, line 3.

Strike: "(2)"

Insert: "(3)"

5. Page 7, line 24.

Following: "13-1-101"

Insert: ", who meet the requirements of 13-4-107"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/26/2009

SB 34, introduced by Lewis

SB 67, introduced by Laible

SB 68, introduced by Wanzenried

SB 78, introduced by Brenden

SB 155, introduced by Cooney

SB 161, introduced by De. Barrett

SB 168, introduced by Zinke

SB 171, introduced by Barkus

FIRST READING AND COMMITMENT OF BILLS

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

HB 369, introduced by McClafferty, MacDonald, Gallus, Hamilton, P. Noonan, Villa, Kottel, Malek, Boss Ribs, Kaufmann, Sesso, Schmidt, Augare, Fleming, Boland, Williams, Wanzenried, Squires, Steenson, Juneau, Blewett, Keane, Windy Boy, Hamlett, Jent, Wilmer, Cohenour, Reinhart, Caferro, Branae, A. Noonan, Stewart-Peregoy, referred to Education.

HB 370, introduced by Cohenour, referred to Judiciary.

HB 371, introduced by Cohenour, referred to Transportation.

HB 372, introduced by Wilmer, referred to Judiciary.

HB 373, introduced by Wilmer, Fleming, Furey, MacLaren, A. Noonan, referred to Transportation.

HB 374, introduced by Arntzen, Jones, McAlpin, Wilson, Klock, Augare, referred to Business and Labor.

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HB 375, introduced by Phillips, referred to Federal Relations, Energy, and Telecommunications.

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

- SB 34**, introduced by Lewis, referred to Local Government.
- SB 67**, introduced by Laible, referred to Education.
- SB 68**, introduced by Wanzenried, referred to Agriculture.
- SB 78**, introduced by Brenden, referred to Local Government.
- SB 155**, introduced by Cooney, referred to State Administration.
- SB 161**, introduced by De. Barrett, referred to Business and Labor.
- SB 168**, introduced by Zinke, referred to Transportation.
- SB 171**, introduced by Barkus, referred to Judiciary.

Rep. Phillips requested a caucus for 10 min.
Rep. Mendenhall requested a caucus for 10 min.
Mr. Speaker the House recessed for 10 minutes at 1:11 p.m..
Mr. Speaker the House came to order at 1:21 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 Villa in the chair.

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

HB 168 - Representative Roundstone moved **HB 168** do pass. 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, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, 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, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Howard, McGillvray, Randall, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 190 - Representative Van Dyk moved **HB 190** do pass.

HB 190 - Representative K. Peterson moved **HB 190**, second reading copy, be amended as follows:

1. Title, line 13 through line 17.

Strike: line 13 through "PASSAGE;" on line 17

Insert: "PROVIDING FOR THE ERECTION, MAINTENANCE, AND REPLACEMENT OF A LEGAL FENCE IN THE RIGHT-OF-WAY IF THE FENCE IS ATTACHED TO THE COUNTY BRIDGE; ALLOWING A BOARD OF COUNTY COMMISSIONERS TO CONDITION RECREATIONAL ACCESS AT COUNTY BRIDGES AND TO IMPOSE REASONABLE REQUIREMENTS ON A FENCE AND ON ATTACHMENT OF THE FENCE TO A COUNTY BRIDGE; PROVIDING FOR PUBLIC PAYMENT OF THE COSTS OF SPECIAL FENCING CONDITIONS; PROVIDING FOR PROPOSALS FOR THE IMPROVEMENT AND ENHANCEMENT OF RECREATIONAL ACCESS OVER OR THROUGH A LEGAL FENCE WITHIN THE RIGHT-OF-WAY AT A COUNTY BRIDGE; PROVIDING FOR APPEAL OF A DECISION OF A BOARD OF COUNTY COMMISSIONERS REGARDING RECREATIONAL ACCESS AT A COUNTY BRIDGE TO THE DISTRICT COURT;"

2. Page 2, line 17.

Following: "2"

Strike: "and 3"

Insert: "through 5"

3. Page 2, line 27.

Following: "section"

Strike: "3"

Insert: "4"

4. Page 3, line 7 through page 4, line 1.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Resolution of recreational access controversy at county bridge. (1) (a)

If a controversy arises over the use of recreational access to a stream or river at a county bridge, the board of county commissioners shall, upon petition by either party, convene and conduct hearings and take any action necessary, including marking of an access route and modification and removal of fences, barriers, and impediments to reasonable recreational access to the stream or river.

(b) The board, by a reasonable exercise of its police powers and without a hearing, may also condition the recreational access for purposes of public safety.

(c) A majority vote of the board is required for any decision made pursuant to this subsection (1).

(2) The board of county commissioners shall render a final decision within 30 days of the conclusion of any hearing convened pursuant to subsection (1)(a). If recreational access is conditioned without a hearing pursuant to subsection (1)(b), the board shall render a final decision within 60 days of the date a petition is filed with the board.

(3) Within 30 days of a final decision of the board of county commissioners pursuant to subsection (2), either party may appeal the decision to the district court for a trial de novo."

Insert: "NEW SECTION. Section 4. Fences within county road right-of-way -- legal fence requirements. (1)

An existing legal fence as described in 81-4-101 constructed for livestock control, except an electric fence, and the point of attachment to a county bridge may be maintained, repaired, and replaced with a similar fence.

(2) A landowner shall request authorization from the board of county commissioners to attach a new legal fence for livestock control, as described in subsection (1), to a county bridge within the county road right-of-way. The fence and its attachment must be only as restrictive as necessary to control livestock and must be as least restrictive to public access as is reasonable. The board may impose reasonable requirements on the fence and on attachment of the fence, including enhanced access to the stream. The cost of any special conditions imposed in

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addition to the cost of a legal fence described in subsection (1) must be borne by the department and not the landowner.

(3) A fence that does not meet the definition of a legal fence in 81-4-101 and that is attached to a county bridge within the county road right-of-way is considered a barrier under 23-2-311, and a person desiring recreational access to a stream or river may portage or go around the illegal fence."

Insert: "NEW SECTION. Section 5. Proposal for enhancement of stream access -- notice and hearing. (1) Any interested person or group or the department may propose to improve and enhance recreational access over or through a legal fence that is attached to a county bridge within the county road right-of-way. Costs for the construction, maintenance, and repair of any improvement or enhancement may not be charged to the owner of the fence but must be borne by the department. The department may accept money from any interested person or group for improving or enhancing recreational access pursuant to this subsection and shall administer the money through the fund created in 87-1-611. The improvement or enhancement may not in any way compromise the purpose for which the fence was constructed.

(2) (a) A proposal to improve and enhance recreational access pursuant to subsection (1) must be presented to the owner of the fence. The proposal must be in writing, and the fence owner has 10 days to evaluate the proposal.

(b) If the proposal is rejected, the interested person or group or the department may petition the board of county commissioners for a hearing on the proposal, and the board shall hold a hearing on the petition. Notice of the hearing must be provided to the fence owner at least 10 days prior to the date set for the hearing. The fence owner has the right to be present at the hearing and to offer testimony and evidence concerning the proposal.

(c) The board shall render a final decision on the petition within 30 days after the hearing. Within 30 days of a final decision of the board, either party may appeal the decision to the district court for a trial de novo.

(3) Once a legal fence is installed that meets the requirements of [section 3 or 4], as applicable, the landowner is entitled to the exemption from liability in 70-16-302."

Renumber: subsequent sections

5. Page 4, line 3.

Strike: "and 3"

Insert: "through 5"

6. Page 4, line 5.

Strike: "and 3"

Insert: "through 5"

Amendment **failed** as follows:

Yeas: Bennett, Boniek, Butcher, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Stoker, Taylor, Vance, Wagner.
Total 24

Nays: 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, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 190 - Representative Van Dyk moved **HB 190** do pass. 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, 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, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Boniek, Mendenhall, Randall, Sales, Vance.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Representative P. Beck moved **HB 48** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Randall, Reichner, Smith, Sonju, Stoker, Taylor, Vance.
Total 20

Excused: None.
Total 0

Absent or not voting: Sales.
Total 1

Mr. Speaker Bergren moved that **HB 143** be moved to immediately follow **HB 48**. Motion carried.

HB 143 - Representative McAlpin moved **HB 143** do pass. Motion **carried** as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell,

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Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, 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 49

Excused: None.

Total 0

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 Villa 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, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Sonju, Stahl, Vance, Vincent.

Total 19

Excused: Grinde.

Total 1

Absent or not voting: Butcher, Campbell, McChesney, Phillips, Villa, Wagner.

Total 6

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:

HJR 9 adopted 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,

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French, Furey, Getz, Glaser, 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, 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 97

Nays: Boniek.

Total 1

Excused: Grinde.

Total 1

Absent or not voting: Pease-Lopez.

Total 1

HB 90 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, 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, More, Morgan, A. Noonan, P. Noonan, 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, Mr. Speaker.

Total 97

Nays: Mendenhall.

Total 1

Excused: Grinde.

Total 1

Absent or not voting: Pease-Lopez.

Total 1

HB 137 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, 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, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Taylor, Washburn.
Total 2

Excused: Grinde.
Total 1

Absent or not voting: Blasdel.
Total 1

HB 222 passed as follows:

Yeas: 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, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Ankney, Boniek, Butcher, Howard, Kerns, Randall, Vance, Warburton.
Total 8

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 231 passed as follows:

ey, 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, 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, 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: Grinde.
Total 1

Absent or not voting: A. Noonan.
Total 1

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

SJR 1 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, Glaser, 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: Grinde.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 190** be moved to House Appropriations. Motion carried.

Rep. Campbell moved that **HB 143** be moved to House Appropriations. Motion carried.

ANNOUNCEMENTS

Mr. Speaker informed members that due to the in-depth discussion during today's second reading, and because committee meetings begin this afternoon at 3:00 p.m., we will continue with the rest of the 2nd reading bills later this week. If days continue like today, we will re-adjourn later in the evening to finish session.

Mr. Speaker the state of the state is Wednesday night, make sure your desks are clean.

Rep. Lake at 5:30 Rm. 102 Montana Body on Economic is presenting today, Topic: Recession.

Rep. Cohenour basketball begins this evening between 7:00 and 7:15.

Rep. Sands reminds everyone that the Cancer Society Action Network is holding a reception tonight.

Rep. Ankney announces a Coal Strip reception tonight at the Great Northern Hotel.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 27, 2009. Motion carried.

House adjourned at 2:55 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House