

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 7, 2009

House Chambers
State Capitol

House convened at 10:50 a.m. Mr. Speaker in the Chair. Invocation by Rep. Randall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives, Berry, Boss Ribs, D. Brown, Hands, Howard, MacDonald, McAlpin, Nooney, Reichner and Wilmer excused. Quorum present.

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:

SB 35 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, 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, A. Noonan, P. Noonan, 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: None.

Total 0

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 40 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, 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, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Mendenhall, More, Sales, Sonju, Vincent.

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Total 6

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 78 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, 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, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: B. Beck, Boniek, Randall, Reichner, Sales, Sonju.

Total 6

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: Ankney.

Total 1

SB 90 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, 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, A. Noonan, P. Noonan, 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: None.

Total 0

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

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SB 98 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.

Total 33

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 140 passed as follows:

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

Total 66

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner, Welborn.

Total 30

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 215 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, 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, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, 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,

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Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Hawk, Kasten, Lake, Sales.
Total 5

Excused: Berry, Boss Ribs, Brown, Nooney.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/7/2009

SB 327, introduced by Curtiss
SB 425, introduced by Bales
SB 497, introduced by Shockley

Senate joint resolutions passed and transmitted to the House for concurrence: 3/7/2009

SJR 28, introduced by J. Peterson
SJR 29, introduced by Moss

FIRST READING AND COMMITMENT OF BILLS

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

HB 644, introduced by Sesso, A. Noonan, Gallus, Laslovich, Hiner, Villa, P. Noonan, Keane, McClafferty, referred to Appropriations.

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

SB 327, introduced by Curtiss, Arntzen, Bales, B. Beck, Bennett, Blasdel, Boniek, Butcher, Himmelberger, Hinkle, Jackson, Kerns, McGee, McGillvray, Mendenhall, More, Murphy, O'Hara, Perry, K. Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Washburn, Windy Boy, referred to Judiciary.
SB 425, introduced by Bales, Ankney, Barkus, Jent, J. Tropila, referred to Fish, Wildlife and Parks.
SB 497, introduced by Shockley, referred to Judiciary.

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

SJR 28, introduced by J. Peterson, Laslovich, Zinke, Brueggeman, Hendrick, referred to Natural Resources.
SJR 29, introduced by Moss, Shockley, 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

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on second reading. Motion carried. Representative Bean in the chair.

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

HB 459 - Representative Grinde moved **HB 459** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 34

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 72 - Representative Dickenson moved **SB 72** be concurred in. Motion carried as follows:

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

Total 72

Nays: Ankney, Arntzen, B. Beck, Bennett, Boniek, Hawk, Hendrick, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Wagner, Warburton, Welborn.

Total 25

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 157 - Representative Bennett moved **SB 157** 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,

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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, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, 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 96

Nays: Sales.

Total 1

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 161 - Representative Welborn moved **SB 161** be concurred in. Motion carried as follows:

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

Total 69

Nays: Bean, Bennett, Blasdel, Boniek, Butcher, Getz, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton.

Total 28

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 219 - Representative Caferro moved **SB 219** 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, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

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Nays: Kasten, Malek, Sales, Warburton.
Total 4

Excused: Howard, Nooney, Reichner.
Total 3

Absent or not voting: None.
Total 0

SB 252 - Representative Mendenhall moved **SB 252** 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, 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, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, 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, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Howard, Nooney, Reichner.
Total 3

Absent or not voting: None.
Total 0

Mr. Speaker moved to pass consideration on **SJR 14** for the day. Motion carried.

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

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McNutt, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Wagner, Warburton, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Boniek, Hendrick, Kasten, McGillvray, Miller, Sales, Van Dyk, Vincent.
Total 8

Excused: Berry, Boss Ribs, Brown, Hands, Howard, MacDonald, McAlpin, Nooney, Reichner, Wilmer.
Total 10

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Absent or not voting: Ankney, Arntzen, Butcher, Hollandsworth, McClafferty, Mehlhoff, Villa, Washburn.
Total 8

MOTIONS

Rep. Campbell moved that **HB 459** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, March 9, 2009. Motion carried.

House adjourned at 11:40 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House