

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 20, 2009

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives McClafferty and Phillips, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 3/20/2009

HB 42, do pass. Report adopted.

HB 154, introduced bill, be amended as follows:

1. Page 2, line 26.

Following: "mitigation"

Insert: ", grants for the purchase of fire suppression equipment for county cooperatives,"

2. Page 3, line 8.

Following: "If"

Insert: "at least \$15 million of the"

3. Page 3, line 9 through line 10.

Strike: "suppression" on line 9 through "projects" on line 10

Insert: "prevention, fuel mitigation projects, and grants for the purchase of fire suppression equipment for county cooperatives"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 3/20/2009

SB 202, be amended as follows:

1. Page 1, line 27.

Strike: "IN THE NORMAL RECREATIONAL FEEDING OF BIRDS,"

2. Page 1, line 29.

Following: line 28

Insert: "(4) A person who is engaged in the recreational feeding of birds is not subject to civil or criminal liability under this section unless, after having received a previous warning by the department, the person continues to feed birds in a manner that attracts ungulates or bears and that may contribute to the transmission of disease or constitute a threat to public safety."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

SB 404, be amended as follows:

1. Page 1, line 13.

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Strike: "1,920"
Insert: "1,280"
Following: "acres"
Insert: ", "
Strike: "and"

2. Page 1, line 14.
Strike: "must"
Insert: "may not"
Following: "~~and~~"
Strike: "in areas" through "will"
Insert: "within 2 miles of another preserve, and may"

And, as amended, be concurred in. Report adopted.

SJR 15, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: ", URGING" on line 6 through "EFFECT," on line 7

2. Page 2, line 5 through line 6.
Strike: ", AND" on line 5 through "2009," on line 6

3. Page 2, line 6 through line 7.
Following: "IDAHO" on line 6
Strike: " ,"" on line 6 through "2009" on line 7

4. Page 2, line 8.
Strike: "HAS"

5. Page 2, line 10.
Strike: "MAY"
Insert: "could"

6. Page 2, line 11.
Strike: "IT'S UNCLEAR WHETHER"
Insert: "on March 6, 2009, the administration of"
Strike: "WILL ALLOW"
Insert: "affirmed"

7. Page 2, line 12.
Strike: "TO TAKE EFFECT"

8. Page 2, line 13.
Strike: "EVEN IF"

9. Page 2, line 14.
Strike: "ALLOWED" through "IS"

10. Page 2, line 26 through line 28.

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Strike: subsection (4) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

3/20/2009

SB 281, be concurred in. Report adopted.

SB 441, be concurred in. Report adopted.

SB 447, be concurred in. Report adopted.

SJR 29, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 74**
Report No. 001, March 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Strike: "AND OTHER APPROPRIATE"

For the Senate:

Laible, Chair
Esp
Laslovich

For the House:

Sands, Chair
Ingraham
Pomnichowski

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/20/2009

HB 41, introduced by Cohenour

Senate bill passed and transmitted to the House for concurrence:

3/20/2009

SB 452, introduced by Curtiss

House amendments to Senate bills concurred in:

3/20/2009

SB 47, introduced by Steinbeisser

SB 49, introduced by Wanzenried

House bills concurred in and returned to the House:

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HB 72, introduced by Sands

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HB 75, introduced by Van Dyk
HB 78, introduced by Hendrick
HB 93, introduced by Sands
HB 139, introduced by Vincent
HB 153, introduced by Hands

FIRST READING AND COMMITMENT OF BILLS

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

HB 662, introduced by Arntzen, referred to Business and Labor.
HB 663, introduced by Jopek, referred to Taxation.
HB 664, introduced by Jopek, Blasdel, referred to Agriculture.

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

SB 100, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.
SB 452, introduced by Curtiss, Gebhardt, referred to Appropriations.

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 3 passed as follows:

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

Total 76

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hoven, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: Becker, Hollandsworth.

Total 2

HB 119 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bennett, Blasdel, Boniek, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Morgan, Nooney, Peterson, Randall, Regier, Sales, Sonju, Stahl, Vance, Vincent, Wagner, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 224 passed as follows:

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

Total 65

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 304 passed as follows:

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

Total 92

Nays: Boniek, Brown, Kasten, More, Morgan, Peterson, Sales, Wagner.

Total 8

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 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, 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, Nooney, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Sales.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 79 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, 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, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Pomnichowski, Steenson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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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 Wilmer in the chair.

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

HB 324 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 324** 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, Howard, Hunter, Ingraham, Jones, 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, 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: Jopek, Pomnichowski.

Total 2

HB 366 - Senate Amendments - Representative McGillvray moved Senate amendments to **HB 366** 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, 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, 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 96

Nays: Boss Ribs, Pease-Lopez.

Total 2

Excused: None.

Total 0

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Absent or not voting: Howard, Morgan.
Total 2

SB 96 - Representative Menahan moved **SB 96** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Arntzen, Bennett, Blasdel, Brown, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, McGillvray, Mendenhall, Morgan, Nooney, Randall, Sales, Smith, Sonju, Vance, Vincent, Washburn.
Total 22

Excused: None.
Total 0

Absent or not voting: Butcher, Hamilton.
Total 2

SB 141 - Representative Boland moved **SB 141** be concurred in. Motion carried 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, 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, 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: None.
Total 0

Absent or not voting: Blasdel.
Total 1

SB 184 - Representative Van Dyk moved **SB 184** 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,

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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 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 197 - Representative K. Peterson moved **SB 197** be concurred in. 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, 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, 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, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Hawk, Kasten, Sales, Sonju.

Total 5

Excused: None.

Total 0

Absent or not voting: Nooney.

Total 1

SB 299 - Representative O'Hara moved **SB 299** be concurred in. Motion carried as follows:

re, 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, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

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

Total 48

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 323 - Representative Kottel moved **SB 323** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Arntzen, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Welborn.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. O'Hara introduced John B. Weaver, the sculptor of the bronze Charles M. Russell sculpture in Statuary Hall in Washington D.C. It was his 89th birthday and the House sang Happy Birthday to Mr. Weaver.

SB 409 - Representative Berry moved **SB 409** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Ankney, Bean, Belcourt, Bennett, Boniek, Butcher, Hawk, Hendrick, Hoven, Ingraham, Jones, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Sales, Smith, Stahl, Stoker, Vincent, Wagner, Warburton, Welborn.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 246 - Representative Boniek moved **HB 246** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Noonney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 80

Nays: Barrett, Belcourt, Caferro, Dickenson, Driscoll, Furey, Hands, Henry, Hollenbaugh, Jopek, MacDonald, Malek, McAlpin, A. Noonan, Pease-Lopez, Pomnichowski, Sands, Sesso, Villa, Wilson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 425 - Representative Pomnichowski moved **HB 425** do pass. Motion carried as follows:

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

Total 68

Nays: Ankney, Arntzen, Augare, Bean, Bennett, Berry, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Wagner, Warburton, Welborn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 82 - Representative Campbell moved to pass consideration on **SB 82** for the day. Motion carried as follows:

SB 119 - Representative Howard moved **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, 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, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More,

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Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Bennett, Hawk, Kerns, Mendenhall, Miller, Sales, Sonju, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Representative Mendenhall moved **SB 173** 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, 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, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Wiseman.
Total 1

SB 269 - Representative Reichner moved **SB 269** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, 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, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman.
Total 86

Nays: Bennett, Boniek, Hawk, Hendrick, Kasten, Kerns, Mendenhall, Miller, More, Roberts, Sales, Wagner, Welborn, Mr. Speaker.
Total 14

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - Representative McAlpin moved **SB 368** 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, 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 100

Nays: None.
Total 0

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 Wilmer 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, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Hawk, Hendrick, Kasten, Mendenhall, Miller, More, Sales, Sonju, Vance, Vincent.
Total 10

Excused: McClafferty, Phillips.
Total 2

Absent or not voting: Hands, Hollenbaugh, Nooney, Villa, Wilmer.
Total 5

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/20/2009

HB 6, introduced bill, **be amended** as follows:

1. Title, line 10.

Following: line 9

Insert: "AN IMMEDIATE"

Strike: "DATES"

Insert: "DATE"

2. Page 1, line 25.

Strike: "\$5,085,798"

Insert: "\$8,654,593"

3. Page 2, line 4.

Strike: "or for planning grant projects"

Following: "projects."

Insert: "Any remaining project funds may be used for any renewable resource program projects authorized under this section or for reclamation and development program projects authorized by the 61st legislature in House Bill No. 7."

4. Page 9, line 22 through line 24.

Strike: section 7 in its entirety

Insert: "NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 7, introduced bill, **be amended** as follows:

1. Title, page 9.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 1, line 17.

Strike: "\$5,012,865"

Insert: "\$6,227,122"

3. Page 1, lines 19 and 20.

Following: "grants" on line 19

Strike: remainder of line 19 through "38" on line 20

4. Page 1, line 30.

Following: "funding."

Insert: "Any remaining project funds may be used for reclamation and development planning grants authorized under [section 1] or renewable resource program projects authorized by the 61st legislature in House Bill No. 6."

5. Page 2, lines 24 and 25.

Strike: lines 24 and 25 in their entirety

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6. Page 3, lines 11 and 12.

Strike: lines 11 and 12 in their entirety

7. Page 3, line 26.

Following: line 25

Insert: "(3) If the Reliance Refinery Cleanup is fully funded in House Bill No. 2, then the grant request for the Montana Department of Natural Resources and Conservation (Reliance Refinery) project in subsection (2) is withdrawn."

Renumber: subsequent subsections

8. Page 4, line 24.

Strike: "July 1, 2009"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 8, introduced bill, **be amended** as follows:

1. Page 1, line 25.

Strike: "\$473,000"

Insert: "\$508,370"

2. Page 2, line 7.

Strike: "project"

Insert: "projects"

Following: "is"

Strike: "4.5% "

Insert: "3% "

3. Page 2, line 11.

Strike: "\$572,000"

Insert: "\$600,000"

4. Page 2, line 12.

Following: line 11

Insert: "Refinance Existing Debt or Rehabilitation of Existing Water or Wastewater Facilities \$3,000,000"

5. Page 2, line 12.

Insert: "(3) The interest rate for the project in this group is 3% or the rate at which the state bonds are sold, whichever is lower, for up to 13 years.

Loan

Amount

DALY DITCHES IRRIGATION DISTRICT

Republican Canal Diversion Dam Replacement \$268,815"

Renumber: subsequent subsections

6. Page 2, line 24.

Strike: "\$9,635,920"

Insert: "\$13,158,795"

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7. Page 2, line 25.
Strike: "\$4,910,266"
Insert: "\$7,973,636"

8. Page 2, line 26.
Strike: "\$1,256,859"
Insert: "\$1,716,364"

And, as amended, do pass. Report adopted.

HB 9, introduced bill, **be amended** as follows:

1. Page 1, line 23.
Strike: "\$809,400"
Insert: "\$839,400"

2. Page 2, line 26.
Strike: "\$5,000"
Insert: "\$10,000"

3. Page 3.
Following: line 6
Insert: "1422 Helena Symphony Orchestra & Chorale \$20,000"

4. Page 4, line 17.
Strike: "\$10,300"
Insert: "\$15,300"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 667, introduced by A. Noonan, referred to State Administration.

MOTIONS

Rep. Campbell moved that **SB 119** be moved to Appropriations Committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, March 21, 2009. Motion carried.

House adjourned at 2:25 p.m.

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DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House