

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

Helena, Montana
March 21, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep.. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Himmelberger, Hoven, McClafferty, Mendenhall, Phillips and Villa, 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:

HB 246 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Barrett, Caferro, Dickenson, Driscoll, Furey, Hands, Henry, Hollenbaugh, MacDonald, McAlpin, Pease-Lopez, Pomnichowski, Roundstone, Sands.
Total 14

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 324, as amended by the Senate, 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

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Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 366, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 425 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 62

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Warburton, Welborn.
Total 37

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 21 concurred in as follows:

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

Total 96

Nays: Kerns, Sales.

Total 2

Excused: Villa.

Total 1

Absent or not voting: Stahl.

Total 1

SB 96 concurred in as follows:

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

Total 75

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Nooney, Randall, Sales, Smith, Sonju, Vance, Vincent, Wagner, Washburn.

Total 24

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 141 concurred in 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, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 99

Nays: None.
Total 0

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 173 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 184 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Villa.
Total 1

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Absent or not voting: None.
Total 0

SB 197 concurred in 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, 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, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Brown, Hawk, Kasten, Sales, Stahl.
Total 6

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 269 concurred in 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, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Hawk, Kerns, Lake, Mendenhall, Miller, More, Randall, Welborn.
Total 9

Excused: Villa.
Total 1

Absent or not voting: Stahl.
Total 1

SB 299 failed as follows:

Yeas: Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Fleming, Furey, Grinde, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, Kottel, MacLaren, Malek, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Driscoll, Ebinger, French, Getz, Glaser, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Jopek, Kasten, Kerns, Lake, MacDonald, McAlpin, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 57

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 323 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Miller, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Welborn.

Total 29

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 368 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

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Excused: Villa.
Total 1

Absent or not voting: Wilmer.
Total 1

SB 409 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hendrick, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, More, Morgan, Peterson, Randall, Roberts, Sales, Smith, Wagner, Warburton, Washburn, Welborn.
Total 25

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 10, introduced bill, be amended as follows:

3/21/2009

1. Page 2, line 9.

Following: "administration"

Insert: "to be used only"

2. Page 2, line 12 through line 13.

Strike: line 12 through line 13 in their entirety

3. Page 2, line 20.

Following: line 19

Insert: "SECRETARY OF STATE

Information Management System 1,500,000 [LRITP] 1,500,000 [Total]"

4. Page 2, line 20.

Following: "appropriated"

Insert: "to the department of public health and human services"

5. Page 2, line 21.

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Following: "2007,"
Strike: "for the department of public health and human services"
Following: "within"
Insert: "the long-range information technology"
Following: "fund"
Strike: "types"
Insert: "type"

6. Page 3, line 1.

Following: "among"
Insert: "department of public health and human services"
Following: "projects."
Insert: "The projects for which funds are appropriated to the department of public health and human services in [section 3] and this section and those projects authorized in section 14, Chapter 3, Special Laws of May 2007, are authorized for the transfer of appropriations and authority within the federal special revenue fund type and among department of public health and human services projects. The department of public health and human services shall report changes to appropriations and authority related to the information technology projects in section 14, Chapter 3, Special Laws of May 2007, and in [section 3] and this section to the interim legislative finance committee upon occurrence."

7. Page 3.

Following: line 3
Insert: "(6) For the item Medicaid Management Information System Replacement in subsection (3), the department of public health and human services shall provide a work plan with milestones, goals, and measures to guide the medicaid management information system replacement to the Legislative Finance Committee at its June 2009 meeting. At each legislative finance committee meeting, the department shall provide an update on its activities and progress toward achieving elements of the work plan in a format developed in conjunction with the legislative finance committee."

8. Page 3, line 6.

Following: "agency"
Insert: " to be used only for the specified projects"

9. Page 3, line 10.

Following: "Montana"
Insert: "Equipment"
Strike: "2,000,000 [General Fund] 2,000,000 [Total]"
Insert: "1,000,000 [General Fund] 1,000,000 [Total]"

10. Page 3, line 12 through line 13.

Strike: line 12 through line 13 in their entirety

11. Page 3.

Following: line 13
Insert: "(2) For the item in subsection (1) for Interoperability Montana Equipment, the department shall exercise due diligence in determining the appropriateness, effectiveness, and reliability of technology and equipment, taking into consideration input and advice from system users, including field personnel and a broad representation of use groups. Recommendations for acquisition of technology and equipment should be

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reported to the information technology board established in 2-15-1021."

12. Page 3, line 15.

Following: "transfers."

Strike: "(1)"

13. Page 3, line 18 through page 4, line 1.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 11, introduced bill, be amended as follows:

1. Title, line 15.

Following: "PROJECTS;"

Insert: "TERMINATING CERTAIN PRIOR TREASURE STATE ENDOWMENT GRANTS; AMENDING SECTION 90-6-701, MCA, AND SECTION 1, CHAPTER 383, LAWS OF 2007;"

2. Page 1, line 20.

Following: "commerce"

Strike: "\$16,083,889"

Insert: "\$17.8 million"

3. Page 1, line 21.

Following: "account"

Insert: "and any funds appropriated to the department in [section 7] remaining after all obligations to fund eligible projects identified in [section 1(3)] have been fully met, to be used"

4. Page 3, line 8.

Following: line 7

Insert: "37. Granite County (solid waste) 197,000

38. Missoula County for Seeley Lake (wastewater) 750,000

39. Seeley Lake Sewer District (wastewater) 750,000

40. Dutton, Town of (wastewater) 500,000

41. Blaine County (bridge) 384,160

42. Loma County Water and Sewer District (water) 750,000

43. Harlowton, Town of (water) 500,000

44. Kevin, Town of (water) 500,000

45. Flathead County (for Bigfork) (stormwater) 625,000

46. Woods Bay Homesites Water and Sewer District (wastewater) 730,000

47. Lockwood, (wastewater) 500,000

48. Shelby, City of (wastewater) 625,000

49. Whitefish, City of (wastewater) 500,000

50. Eureka, Town of (water) 625,000

51. Troy, City of (water) 715,000

52. Fallon County North Baker Water and Sewer District (wastewater) 120,000

53. Sheaver's Creek Water and Sewer District (wastewater) 600,000

54. Yellowstone County (bridge) 228,753

55. Gore Hill County Water District (water) 250,300

56. South Chester County Water District (water) 131,000

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- 57. Livingston, City of (wastewater/solid waste) 500,000
- 58. Flathead County Water and Sewer District (Happy Valley) (water) 500,000
- 59. Bynum Teton County Water and Sewer District (water) 567,000
- 60. Bozeman, City of (wastewater) 500,000
- 61. Fort Smith Water and Sewer District (water) 500,000
- 62. Jette Meadows Water and Sewer District (water) 750,000
- 63. Greater Woods Bay Sewer District (wastewater) 488,000
- 64. Em-Kayan Village Water and Sewer District (water) 290,619
- 65. Stevensville, Town of (water) 500,000
- 66. Bridger Pines County Water and Sewer District (wastewater) 400,000"

5. Page 3, line 16 and 17.

Following: "funds" on line 16

Strike: remainder of line 16 through "during" on line 17

Insert: "appropriated in subsection (1) for"

6. Page 3, line 18.

Following: the first "projects"

Insert: "numbered 1 through 33 in subsection (3)"

7. Page 3, line 20.

Strike: "36"

Insert: "66"

8. Page 3, lines 21 through 26.

Following: "only" on line 21

Strike: remainder of line 21 through line 26 in their entirety

Insert: "so long as there are sufficient funds from the amount appropriated in subsection (1). Once all funds appropriated in subsection (1) are totally committed to projects numbered 34 through 66 in subsection (3) that have satisfied the conditions described in [section 3(1)], the obligation to remaining projects will cease. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2011, the treasure state endowment program shall fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b). There is appropriated to the department of commerce up to \$6,512,000 of funds borrowed from the board of investments."

9. Page 6, line 5.

Strike: "\$8"

Insert: "\$15"

10. Page 6, line 7.

Following: "account"

Insert: "and other funds"

11. Page 7, line 4.

Insert: "**Section 10.** Section 90-6-701, MCA, is amended to read:

"90-6-701. Treasure state endowment program created -- definitions. (1) (a) There is a treasure state endowment program that consists of:

(i) the treasure state endowment fund established in 17-5-703;

(ii) the infrastructure portion of the coal severance tax bond program provided for in 17-5-701(2).

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(b) The treasure state endowment program may borrow from the board of investments to provide additional financial assistance for local government infrastructure projects under this part, provided that no part of the loan may be made from retirement funds.

(2) Interest from the treasure state endowment fund and from proceeds of the sale of bonds under 17-5-701(2) may be used to provide financial assistance for local government infrastructure projects under this part, to provide funding to the department of commerce for the administrative costs of the treasure state endowment program, and to repay loans from the board of investments.

(3) As used in this part, the following definitions apply:

(a) "Infrastructure projects" means:

(i) drinking water systems;

(ii) wastewater treatment;

(iii) sanitary sewer or storm sewer systems;

(iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring; or

(v) bridges.

(b) "Local government" means an incorporated city or town, a county, a consolidated local government, a tribal government, a county or multicounty water, sewer, or solid waste district, or an authority as defined in 75-6-304.

(c) "Treasure state endowment fund" means the coal severance tax infrastructure endowment fund established in 17-5-703(1)(b).

(d) "Treasure state endowment program" means the local government infrastructure investment program established in subsection (1).

(e) "Tribal government" means a federally recognized Indian tribe within the state of Montana."

Insert: "Section 11. Section 1, Chapter 383, Laws of 2007, is amended to read:

"Section 1. Appropriation from treasure state endowment state special revenue account. (1) There is appropriated to the department of commerce ~~\$17,333,653~~ up to \$40,173,080 of the interest earnings from the treasure state endowment state special revenue account and from other funds to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the governmental entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 2 and 3] and described in the treasure state endowment program 2009 biennium report to the 60th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in [section 3] until interest earnings and other funds deposited into the treasure state endowment state special revenue account during the 2009 biennium are expended.

(3) The following applicants and projects are authorized for grants:

Applicant/Project	Grant Amount
1. Lewis and Clark County for the Woodlawn Addition (water)	\$596,420
2. Bainville, Town of (wastewater)	715,000
3. Madison County (bridge)	370,100
4. Sweet Grass County (bridge)	151,493
5. Powell County (bridge)	263,074
6. Circle, Town of (wastewater)	750,000
7. Harlem, City of (water)	750,000
8. Jordan, Town of (wastewater)	700,000
9. Thompson Falls, City of (water)	363,000
10. Twin Bridges, Town of (wastewater)	750,000
11. Seeley Lake-Missoula County Water District (water)	750,000
12. Fergus County (bridge)	238,362
13. Sunny Meadows-Missoula County Water and Sewer District (water)	325,000
14. Tri-County Water District (water)	313,500

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15. Blaine County (bridge)	617,017	
16. Loma County Water and Sewer District (water)	750,000	
17. Ekalaka, Town of (water and wastewater)	706,369	
18. Stillwater County (bridge)	407,500	
19. Sheridan, Town of (wastewater)	750,000	
20. Carter-Chouteau County Water and Sewer District (water)	750,000	
21. Bigfork County Water and Sewer District (wastewater)	750,000	
22. Dayton-Lake County Water and Sewer District (wastewater)	750,000	
23. Judith Basin County (bridge)	192,215	
24. Pinesdale, Town of (water)	750,000	
25. Power-Teton County Water and Sewer District (water)	604,286	
26. Superior, Town of (water)	600,000	
27. RAE Subdivision County Water and Sewer District No. 313 (water)	750,000	750,000
28. Jefferson County (bridge)	295,800	
29. Fort Benton, City of (stormwater)	750,000	
30. Laurel, City of (wastewater)	750,000	
31. Yellowstone County (bridge)	97,079	
32. Neihart, Town of (water)	223,000	
33. Three Forks, City of (wastewater)	750,000	
34. Manhattan, Town of (water)	600,000	
35. Cut Bank, City of (water)	550,000	
36. Whitehall, Town of (wastewater)	750,000	
37. Crow Tribe (wastewater)	750,000	
38. Big Sandy, Town of (wastewater)	750,000	
39. Fairfield, Town of (wastewater)	750,000	
40. Hamilton, City of (wastewater)	750,000	
41. Gallatin County/Hebgen Lake Estates (wastewater)	750,000	750,000
42. Shelby, City of (water)	750,000	
43. Whitefish, City of (wastewater)	750,000	
44. Panoramic Mountain River Heights (water)	191,500	
45. Custer County (bridge)	63,750	
46. Brady, Town of (wastewater)	750,000	
47. Elk Meadows (water)	410,000	
48. Polson, City of (water)	750,000	
49. Darby, Town of (water)	750,000	
50. Goodan-Keil (water)	532,250	
51. Butte-Silver Bow (water)	750,000	
52. Columbia Falls, City of (wastewater)	750,000	
53. North Valley County (water)	750,000	
54. Saltese, Town of (wastewater)	390,000	
55. Red Lodge, City of (water)	750,000	
56. Black Eagle, Town of (water)	365,000	

(4) This section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the treasure state endowment state special revenue account funds and other funds during the 2009 biennium pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(5) Funding for projects numbered 1 through 56 in subsection (3) and for the department of natural resources

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~~and conservation project in subsection (6) will be provided from interest earnings and other funds deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2009, for the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009. Funding for the projects listed in subsection (3) will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)]. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009, the treasure state endowment program must fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b) for those projects that have satisfied the conditions described in [section 3(1)] by June 30, 2009. There is appropriated to the department of commerce up to \$17,563,890 for funds borrowed from the board of investments.~~

~~(6) Up to \$2,200,000 is granted to the department of natural resources and conservation in fiscal year 2009, which must be used to fund local government renewable resource projects. The grant may only be awarded for the amount of anticipated shortfall in funding all of the renewable resource program grants authorized in [section 1(3) of House Bill No. 6]. Any unexpended funds remaining from this grant on July 1, 2009, will be remitted to the department of commerce, treasure state endowment program, to be used for repayment of loans."~~

Renumber: subsequent sections

12. Page 7, lines 9 through 11.

Strike: section 11 in its entirety

Insert: "NEW SECTION. Section 13. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2)[Section 10] is effective July 1, 2011."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):
SB 200, be concurred in. Report adopted.

3/21/2009

TAXATION (Lake, Chairman):

HJR 2, introduced joint resolution, be amended as follows:

3/21/2009

1. Page 2, line 17.

Strike: "\$1,877,991,000"

Insert: "\$1,873,044,000"

2. Page 2, line 18.

Strike: "\$1,770,914,000"

Insert: "\$1,754,561,000"

Strike: "\$1,830,135,000"

Insert: "\$1,810,546,000"

3. Page 3, line 15.

Strike: "\$856.506"

Insert: "\$852.615"

Strike: "\$845.333"

Insert: "\$838.750"

Strike: "\$859.007"

Insert: "\$850.014"

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4. Page 3, line 17.

Strike: "225.628"

Insert: "221.919"

Strike: "229.428"

Insert: "225.719"

5. Page 3, line 19.

Strike: "157.715"

Insert: "157.284"

Strike: "117.579"

Insert: "115.638"

Strike: "124.250"

Insert: "121.382"

6. Page 3, line 21.

Strike: "94.641"

Insert: "94.769"

Strike: "69.831"

Insert: "66.930"

Strike: "85.220"

Insert: "82.423"

7. Page 4, line 4.

Strike: "47.836"

Insert: "47.880"

Strike: "50.206"

Insert: "50.353"

8. Page 4, line 7.

Strike: "29.319"

Insert: "29.312"

Strike: "28.573"

Insert: "28.574"

Strike: "28.281"

Insert: "28.288"

9. Page 4, line 9.

Strike: "24.986"

Insert: "24.885"

Strike: "28.374"

Insert: "27.796"

Strike: "31.061"

Insert: "30.418"

10. Page 4, line 17.

Strike: "16.673"

Insert: "16.507"

Strike: "7.899"

Insert: "7.967"

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Strike: "15.596"
Insert: "15.905"

11. Page 5, line 9.
Strike: "10.494"
Insert: "10.275"
Strike: "11.244"
Insert: "10.906"
Strike: "11.921"
Insert: "11.453"

12. Page 5, line 11.
Strike: "8.910"
Insert: "8.651"
Strike: "9.237"
Insert: "8.837"
Strike: "9.749"
Insert: "9.194"

13. Page 6, line 7.
Strike: "\$1,877.991"
Insert: "\$1,873.044"
Strike: "\$1,770.914"
Insert: "\$1,754.561"
Strike: "\$1,830.135"
Insert: "\$1,810.546"

14. Page 6, line 19.
Strike: "(9.50%)"
Insert: "(10.75%)"
Strike: "(3.59%)"
Insert: "(5.29%)"
Strike: "6.99%"
Insert: "4.50% "

15. Page 6, line 21.
Strike: "(2.61%)"
Insert: "(4.31%)"
Strike: "(1.52%)"
Insert: "(4.24%)"
Strike: "0.09%"
Insert: "2.72% "

16. Page 7, line 2.
Strike: "10.77%"
Insert: "9.50% "
Strike: "(3.58%)"
Insert: "(0.18%)"
Strike: "(6.43%)"

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2009

Insert: "(7.57%)"
Strike: "3.40%"
Insert: "3.35%"

17. Page 7, line 4.
Strike: "5.39%"
Insert: "3.27%"
Strike: "(6.17%)"
Insert: "(3.71%)"
Strike: "(11.97%)"
Insert: "(4.25%)"
Strike: "4.28%"
Insert: "0.57%"

18. Page 7, line 6.
Strike: "(24.90%)"
Insert: "(36.55%)"
Strike: "19.97%"
Insert: "21.50%"

19. Page 9.
Following: line 18
Insert: "FY Taxable Value Adjustment for Court Decision on Reclassification of Property (Millions)\$0.000
\$0.000
(\$39.048) (\$39.048)"

20. Page 9, line 20.
Strike: "\$2,218.526"
Insert: "\$2,179.478"
Strike: "\$2,265.108"
Insert: "\$2,226.060"

21. Page 11, line 5.
Strike: "\$1,749.800"
Insert: "\$1,740.700"
Strike: "\$1,493.000"
Insert: "\$1,439.600"
Strike: "\$1,499.100"
Insert: "\$1,426.400"
Strike: "\$1,706.500"
Insert: "\$1,680.400"

22. Page 11, line 8.
Strike: "(1.78%)"
Insert: "(1.87%)"
Strike: "(4.00%)"
Insert: "(4.43%)"
Strike: "4.79%"
Insert: "3.81%"
Strike: "3.93%"

HOUSE JOURNAL
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Insert: "3.61%"

23. Page 11, line 10.

Strike: "(1.19%)"

Insert: "(1.18%)"

Strike: "(2.15%)"

Insert: "(3.62%)"

Strike: "5.28%"

Insert: "5.49%"

Strike: "5.43%"

Insert: "5.16%"

24. Page 11, line 12.

Strike: "(0.05%)"

Insert: "(0.11%)"

Strike: "(4.79%)"

Insert: "(3.88%)"

Strike: "4.47%"

Insert: "3.52%"

Strike: "3.59%"

Insert: "3.27%"

25. Page 11, line 14.

Strike: "(0.76%)"

Insert: "(1.01%)"

Strike: "1.36%"

Insert: "(2.79%)"

Strike: "4.74%"

Insert: "5.18%"

26. Page 11, line 19.

Strike: "25.21%"

Insert: "25.32%"

Strike: "(62.58%)"

Insert: "(63.03%)"

Strike: "36.30%"

Insert: "31.27%"

Strike: "7.35%"

Insert: "9.79%"

27. Page 12, line 1.

Strike: "(3.22%)"

Insert: "(4.07%)"

Strike: "(11.55%)"

Insert: "(15.05%)"

Strike: "13.72%"

Insert: "16.21%"

28. Page 12, line 3.

HOUSE JOURNAL
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Strike: "0.14%"
Insert: "0.12%"
Strike: "0.17%"
Insert: "0.18%"

29. Page 12, line 5.

Strike: "(13.24%)"
Insert: "(13.49%)"
Strike: "(21.50%)"
Insert: "(24.75%)"
Strike: "5.94%"
Insert: "6.32%"
Strike: "12.62%"
Insert: "15.15%"

30. Page 12, line 8.

Strike: "(3.22%)"
Insert: "(4.07%)"
Strike: "(11.55%)"
Insert: "(15.05%)"
Strike: "13.72%"
Insert: "16.21%"

31. Page 13, line 18.

Strike: the first "\$34,838"
Insert: "\$89,399"
Strike: the second "\$34,838"
Insert: "\$35,193"
Strike: "\$39,845"
Insert: "\$37,803"
Strike: "\$48,292"
Insert: "\$48,120"

32. Page 13, line 21.

Strike: "\$3,930"
Insert: "\$3,812"
Strike: "\$4,976"
Insert: "\$4,760"
Strike: "\$5,762"
Insert: "\$5,307"

33. Page 15, line 9.

Strike: "\$31,841"
Insert: "\$32,133"
Strike: "\$45,628"
Insert: "\$43,323"

34. Page 15, line 15.

Strike: "\$6,752"

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Insert: "\$6.777"
Strike: "\$3.693"
Insert: "\$3.502"
Strike: "\$5.318"
Insert: "\$5.093"
Strike: "\$5.526"
Insert: "\$5.093"

35. Page 15, line 21.

Strike: "2.01%"
Insert: "1.99%"
Strike: "1.05%"
Insert: "1.06%"
Strike: "2.03%"
Insert: "2.07%"

36. Page 16, line 18.

Strike: "\$7.662"
Insert: "\$7.879"
Strike: "\$7.389"
Insert: "\$7.728"
Strike: "\$7.293"
Insert: "\$7.763"

37. Page 17, line 6.

Strike: "\$2.040"
Insert: "\$2.298"
Strike: "\$2.267"
Insert: "\$2.670"
Strike: "\$2.275"
Insert: "\$2.834"

38. Page 21, line 9.

Strike: "84.139"
Insert: "84.136"
Strike: "71.015"
Insert: "70.488"
Strike: "57.112"
Insert: "57.593"

39. Page 21, line 13.

Strike: "14.671"
Insert: "14.437"
Strike: "14.924"
Insert: "14.690"

40. Page 21, line 15.

Strike: "5.580"
Insert: "5.579"

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Strike: "5.577"
Insert: "5.576"

41. Page 21, line 17.

Strike: "9.251"
Insert: "9.244"
Strike: "9.718"
Insert: "9.712"
Strike: "10.511"
Insert: "10.492"

42. Page 22, line 1.

Strike: "1.079"
Insert: "1.078"
Strike: "1.112"
Insert: "1.110"

43. Page 22, line 4.

Strike: "5.284"
Insert: "5.283"
Strike: "6.027"
Insert: "6.022"
Strike: "6.804"
Insert: "6.784"

44. Page 22, line 6.

Strike: "2.331"
Insert: "2.328"
Strike: "2.573"
Insert: "2.570"
Strike: "2.951"
Insert: "2.941"

45. Page 22, line 8.

Strike: "2.091"
Insert: "2.088"
Strike: "2.347"
Insert: "2.343"
Strike: "2.695"
Insert: "2.683"

46. Page 22, line 16.

Strike: "\$376.430"
Insert: "\$376.412"
Strike: "\$364.228"
Insert: "\$363.447"
Strike: "\$351.547"
Insert: "\$351.731"

47. Page 23.

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Following: following line 19

Insert: "FY Taxable Value Adjustment for Court Decision on Reclassification of Property (Millions)\$0.000
\$0.000
(\$39.048) (\$39.048)"

48. Page 23, line 21.

Strike: "\$2,243.347"

Insert: "\$2,204.299"

Strike: "\$2,289.845"

Insert: "\$2,250.797"

And, as amended, be adopted. Report adopted.

HJR 2, introduced joint resolution, be amended as follows:

1. Page 9, line 8.

Strike: "\$158.838"

Insert: "\$171.854"

Strike: "\$166.733"

Insert: "\$179.749"

2. Page 9, line 10.

Strike: "\$274.906"

Insert: "\$222.842"

Strike: "\$290.454"

Insert: "\$238.390"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

3/21/2009

HB 1, introduced by Balyeat

HB 23 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 23**:

3/21/2009

Senator Curtiss, Chair

Senator Gallus

Senator Gebhardt

MESSAGES FROM THE GOVERNOR

March 17, 2009

The Honorable Bob Bergren

Speaker of the House

State Capitol

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Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills on March 16th and 17th and they have been delivered to the Office of the Secretary of State.

March 16th, 2009:

Senate Bill 125 sponsored by Senator Shockley

March 17th, 2009:

House Bill 74 sponsored by Representative Van Dyk,
House Bill 90 sponsored by Representative Hawk,
House Bill 100 sponsored by Representative Steenson,
House Bill 125 sponsored by Representative Mehlhoff,
House Bill 126 sponsored by Representative Augare,
House Bill 168 sponsored by Representative Roundstone,
House Bill 368 sponsored by Representative Fleming et al.,
Senate Bill 42 sponsored by Representative Laslovich,
Senate Bill 90 sponsored by Representative Jackson,
Senate Bill 116 sponsored by Representative Keane,
Senate Bill 125 sponsored by Representative Shockley,
Senate Bill 130 sponsored by Representative Hamlett,
Senate Bill 181 sponsored by Representative Esp.

Sincerely,

BRIAN SCHWEITZER
Governor

March 20, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the state of MONTANA, I hereby return with amendments Senate Bill 18, "**AN ACT REVISING THE LAWS GOVERNING FISCAL NOTES; SUBSTITUTING A SPONSOR'S FISCAL NOTE; PROVIDING FOR THE CONTENT OF A SPONSOR'S FISCAL NOTE REBUTTAL; CLARIFYING THE CONTENT OF FISCAL NOTES; AMENDING SECTIONS 5-4-204 AND 5-4-205, MCA; AND PROVIDING AN**

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IMMEDIATE EFFECTIVE DATE."

Senate Bill 18 amends two sections of law pertaining to fiscal notes. Primarily, the purpose of my proposed amendment is to indicate that any estimate charge in revenue in a fiscal note must be based on "appropriate," rather than "accepted," revenue estimating methodologies. My concern is that an "accepted" revenue estimating methodology could be construed to be the methodology used in preparing revenue estimates under Sec. 5-5-227, MCA. This is not always the methodology used currently in the preparation of fiscal notes, and I understand that it was not the intent of the bill to alter current practice in this regard.

Additionally, I have added the word "base" to the phrase "present law" where it is used in the bill, since the term "present law base" is one that is defined in statute. See Sec. 17-7-102, MCA.

I have discussed the amendments with the bill's sponsor, Senator Wanzenreid, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 18

1. Page 2, line 30.
Strike: "accepted"
Insert: "appropriate"
2. Page 3, line 3.
Following: "law"
Insert: "base"

- END -

March 20, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 117, **"AN ACT REVISING STATUTORY APPROPRIATIONS; ELIMINATING CERTAIN STATUTORY APPROPRIATIONS CONCERNING VARIOUS MISCELLANEOUS PROVISIONS; TRANSFERRING THE AUTHORIZED USE OF THE STATUTORY APPROPRIATION FOR THE OPTIONAL RETIREMENT PROGRAM FOR THE ADMINISTRATIVE**

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OFFICERS AND MEMBERS OF THE INSTRUCTIONAL AND SCIENTIFIC STAFF OF THE MONTANA UNIVERSITY SYSTEM FROM THE STATE TREASURER TO THE BOARD OF REGENTS; CONSOLIDATING CERTAIN HORSE RACING STATUTORY APPROPRIATIONS INTO ONE STATUTORY APPROPRIATION; ELIMINATING AN INVALID STATUTORY APPROPRIATION RELATIVE TO THE CERCLA MATCH DEBT SERVICE FUND; AMENDING SECTIONS 17-7-304, 17-7-502, 19-21-203, 23-4-105, 23-4-202, 23-4-204, 23-4-302, 23-4-304, 44-1-504, 53-6-703, 75-5-1108, 75-6-214, 75-10-622, 80-5-510, AND 87-1-513, MCA; AND PROVIDING AN EFFECTIVE DATE" for the following reasons.

Senate Bill 117 was prepared and is by the request of the Legislative Finance Committee (LFC). Among other things, it repeals numerous statutory appropriations in current law that, according to a September 26, 2008 report to the LFC by its staff, were stated as not having been used since at least FY 2001. AT the time the bill was being developed during the interim, it is my understanding that the LFC and certain executive branch agencies believed that loans issued under the water pollution control and drinking water state revolving funds did not require an appropriations by the legislature. When Senate Bill 117 was delivered to me, I learned that loans of state money are considered by stat accountants as payments of money requiring an appropriation under Article VIII, section 14 of the Montana Constitution. I have received similar legal advise as well.

My amendments, therefore, strike sections 11 and 12 of Senate Bill 117 so as to retain the existing statutory appropriations for loans made under the water pollution control and drinking water state revolving funds, which, because of fluctuations in the balances of these funds, require flexible appropriations authority in order to be meaningful.

I have discussed the amendments with the bill's sponsor, Senator Wanzenried, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 117

1. Title, line 14

Strike: "75-5-1108, 75-6-214,"

2. Page 3, line 14.

Following: "75--6-214"

Insert: "75-5-1108; 75-6-214;"

3. Page 11, lines 8 through 15.

Strike: sections 11 and 12 in their entirety

Renumber: subsequent sections

- END -

FIRST READING AND COMMITMENT OF BILLS

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

HB 665, introduced by Stahl, referred to Natural Resources.

HB 668, introduced by French, Cohenour, referred to Taxation.

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

HJR 31, introduced by McGillvray, J. Peterson, Bennett, Vance, Smith, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vincent in the chair.

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

SB 74 - Conference Committee Report No. 001 - Representative Sands moved the Conference Committee report to **SB 74** be adopted. 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, 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: Mendenhall.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 41 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, 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, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk,

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Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Bean, Butcher, Hendrick, Kerns, Mendenhall, Randall, Regier, Reichner, Roberts, Sales, Warburton.
Total 11

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 42 - Representative Campbell moved to pass consideration on **HB 42** for the day. Motion carried.

HB 154 - Representative Bergren moved **HB 154** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, 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, 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: Kerns, Mendenhall, Randall, Regier, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 562 - Representative Cohenour moved **HB 562** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, 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 96

Nays: McGillvray, Mendenhall, More.
Total 3

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Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

HB 634 - Representative McAlpin moved **HB 634** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, 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, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 26 - Representative K. Peterson moved **SB 26** 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, 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 82 - Representative French moved **SB 82** be concurred in. Motion carried as follows:
ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett,

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Boland, Boniek, 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, Howard, Hunter, Ingraham, Jones, Jopek, 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, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Hendrick, Kasten, Sales, Sonju, Taylor, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: Milburn.
Total 1

SB 108 - Representative K. Peterson moved **SB 108** 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, 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, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Sales, Sonju, Vincent.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 - Representative K. Peterson moved **SB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 79

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Nays: Augare, Barrett, Becker, Belcourt, Boss Ribs, Caferro, Hollenbaugh, Jopek, Malek, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Van Dyk, Villa, Wilmer, Wiseman.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 - Representative Sands moved **SB 208** 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, Hawk, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Kerns, Mendenhall, Miller, Sales, Stahl, Taylor.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 209 - Representative Blewett moved **SB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, 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, 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, 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 94

Nays: Boniek, Mendenhall.
Total 2

Excused: None.
Total 0

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Absent or not voting: Arntzen, B. Beck, Blasdel, Butcher.
Total 4

SB 273 - Representative Butcher moved **SB 273** 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, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, 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 97

Nays: Pease-Lopez, Pomnichowski.
Total 2

Excused: None.
Total 0

Absent or not voting: Miller.
Total 1

SB 319 - Representative Hendrick moved **SB 319** 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

HB 42 - Representative Campbell moved to reconsider previous actions taken for **HB 42** and that it be placed at the bottom of today the 63rd legislative day. Motion carried.

SB 325 - Representative French moved **SB 325** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, 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, McNutt, Mehlhoff, Menahan, Milburn, 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, Mr. Speaker.
Total 94

Nays: Campbell, McGillvray, Mendenhall, Miller, Pomnichowski, Wiseman.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 - Representative Menahan moved **SB 341** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Augare, Becker, Blasdel, Campbell, Hendrick, McGillvray, Mendenhall, Randall, Reichner, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

SB 395 - Representative Vance moved **SB 395** 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, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, 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,

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Wilmer, Wilson, Mr. Speaker.
Total 96

Nays: Himmelberger, McGillvray, Wiseman.
Total 3

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

SB 432 - Representative Blewett moved **SB 432** 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

SJR 22 - Representative McChesney moved **SJR 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, 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, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Morgan, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton.
Total 28

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Representative McNutt assumed the chair.

HB 42 - Representative Vincent moved **HB 42** do pass. Motion carried as follows:

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

Total 99

Nays: Stahl.

Total 1

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 McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, 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, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Miller, Sales, Van Dyk.

Total 3

Excused: Himmelberger, Hoven, McClafferty, Mendenhall, Phillips, Villa.

Total 6

Absent or not voting: McNutt, Stahl, Vincent, Wagner.

Total 4

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MOTIONS

Rep. Campbell moved that **HB 562** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 634** 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 23, 2009. Motion carried.

House adjourned at 10:01 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House