

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 23, 2009

House Chambers
State Capitol

House convened at 8:36 a.m. Mr. Speaker in the Chair. Invocation by B. Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 119**
Report No. 1, April 22, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 119** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 119** (reference copy -- salmon) be amended as follows:

1. Page 6, line 18.

Strike: "AND AVAILABLE RESOURCES"

For the Senate:

Senator Esp, Chairman
Senator Lewis
Senator Schmidt

For the House:

Representative McAlpin, Chairman
Representative Furey
Representative Morgan
Representative Howard

MESSAGES FROM THE GOVERNOR

April 23, 2009

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

The Honorable Robert Story, Jr.
President of the Senate

State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

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 House Bill 52, **“AN ACT ESTABLISHING A GROUND WATER INVESTIGATION PROGRAM; PROVIDING FOR PRIORITIZATION OF SUBBASINS BY THE GROUND WATER ASSESSMENT STEERING COMMITTEE; ADDING A MEMBER OF THE DEVELOPMENT COMMUNITY TO THE GROUND WATER ASSESSMENT STEERING COMMITTEE; PROVIDING A CONTINGENT APPROPRIATION FOR THE PROGRAM; AMENDING SECTION 2-15-1523, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

House Bill 52 establishes a ground water investigation program under the guidance of the existing ground water assessment steering committee. The information collected through this program will be invaluable in developing plans and models for Montana subbasins that are current, comprehensive, and accurate to assist the state in planning for agricultural, industrial, and development uses, as well as conservation and ecological protection.

My proposed amendment restores one-time-only funding in the amount of \$4.2 million, as originally requested by the interim Water Policy Committee, for this important mission.

I have discussed my proposed amendment with the sponsor of the bill, Rep. McNutt, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNORS AMENDMENTS
TO HOUSE BILL 52

1. Page. 2, line 25.
Strike: "\$900,000"
Insert: "\$4.2 million"

2. Page 2, line 30.
Strike: "\$900,000"
Insert: "\$4.2 million"

- END -

April 23, 2009

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

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

Dear Speaker Bergren and President Story:

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 House Bill 123, **“AN ACT REDUCING THE STATUTORY APPROPRIATIONS FOR THE GROWTH THROUGH AGRICULTURE PROGRAM AND FOR RESEARCH AND COMMERCIALIZATION PROJECTS; EXTENDING THE TERMINATION DATE FOR CERTAIN ALLOCATIONS AND STATUTORY APPROPRIATIONS OF THE INTEREST INCOME FROM \$140 MILLION OF THE COAL SEVERANCE TAX PERMANENT FUND; AMENDING SECTION 15-35-108, MCA, SECTION 3, CHAPTER 481, LAWS OF 2003, AND SECTION 6, CHAPTER 481, LAWS OF 2003; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.”**

House Bill 123, sponsored by Rep. Llew Jones, extends for 10 years (from 2009 to 2019) the sunset of the growth through agriculture program and the research and commercialization projects funded through interest income from certain of the coal severance tax permanent fund, which otherwise would be deposited in the general fund. The bill also reduces the funding of these programs from their current level by half.

The Senate amended the bill to restore the funding of these programs to their current level beginning July 1, 2012, or for fiscal year 2013. My amendment restores the bill to its introduced version. My amendment will save the general fund \$3 million in the 2013 biennium and through the extended life of this legislation. Given our current fiscal challenges, I believe limiting the funding for these valuable but non-essential programs is the economically prudent thing to do.

I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNORS AMENDMENTS
TO HOUSE BILL 123

1. Title, lines 10 and 11.

Following: "DATES" on line 10

Strike: remainder of line 10 through "DATE" on line 11

2. Page 4, line 8.

Following: "2"

Strike: " 2 "

Insert: "and"

Following: "3"

Strike: ", AND 5"

3. Page 4, line 10.

Strike: section 5 in its entirety

- END -

**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. Mr. Speaker in the chair.

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

HB 602 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **HB 602** be adopted. Motion carried as follows:

Yeas: 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, 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 98

Nays: Ankney.
Total 1

Excused: None.
Total 0

Absent or not voting: Hiner.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Mr. Speaker 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, 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, 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 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bennett, Himmelberger.
Total 2

MOTIONS

Representative Campbell moved that the Conference Committee be dissolve on **HB 676**. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

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

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Taylor moved that the Governors Veto on **HB 533** be overridden. Motion requires 2/3 majority. Motion **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Fleming, Getz, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 51

Nays: Ankney, Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

House Republicans will caucus upon recess.

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on Senate Bill 171 and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Kottel, Vice Chair

Rep. Blewett

Rep. Peterson

Rep. Regier

Representative Campbell moved that the House recess until 1:00 p.m., Thursday, April 23, 2009. Motion carried.

House recessed at 9:05 a.m.

House came to order at 1:02 p.m.

Roll Call. All Members Present. Quorum present.

Sgt.-at-Arms Tensley informed the Speaker that the Honored guests await outside the chamber. Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Staff into the chamber and into the well of the House.

Mr. Speaker thanked the Legislative Staff for all of their dedication and hard work.

Sgt.-at-Arms Tensley escorted the Legislative Staff from the House chambers.

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 418**
Report No. 1, April 23, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 418** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 418** (reference copy -- salmon) be amended as follows:

1. Page 9.

Following: line 13

Insert: "NEW SECTION. **Section 9. Coordination instruction.** If House Bill No. 261 is not passed and approved, then [section 3 of this act], amending 15-30-136, is void."

2. Page 9, line 17.

Strike: "10(2)"

Insert: "11(2)"

For the Senate:

Brown, Chairman
Branae
Essman

For the House:

Cohenour, Chairman
Barrett
Lake
Taylor

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/23/2009

HB 154, introduced by Bergren

Governor's amendments to House bill concurred in and returned to the House: 4/23/2009

HB 536, introduced by Malek

Free Conference Committee Report No.1 passed on 2nd reading: 4/23/2009

HB 3, introduced by Ankney
HB 602, introduced by Cohenour

Free Conference Committee Report No.1 adopted: 4/23/2009

HB 331, introduced by Morgan

Governor's amendments to Senate bills failed to concur in and transmitted to the House:
4/23/2009

SB 349, introduced by Tutvedt

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

SB 465, introduced by Bradley

MOTIONS

Rep. Campbell moved that the Conference Committee on **SB 322** be dissolved and that the Speaker be authorized to appoint a FREE Conference Committee on **SB 322**.

The Speaker Appoints:

Rep. Jopek, Vice Chair
Rep. French
Rep. Taylor
Rep. Butcher

Rep. Belcourt moved to suspend the rules and that **SB 498** be moved from 3rd reading to 2nd reading in order to place an amendment on the bill on this the 87th Legislative Day. Motion carried.

**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 B. Beck in the chair.

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

SB 119 - Conference Committee Report No. 1 - Representative Morgan moved the Conference Committee report to **SB 119** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, 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, 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, Pommichowski, 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: Blasdel, Brown, Kasten, Kerns, Sales, Sonju.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 52 - Governor's Amendments - Representative McNutt moved Governor's amendments to **HB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, 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, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 123 - Governor's Amendments - Representative Jones moved Governor's amendments to **HB 123** be concurred in. Motion carried as follows:

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

Total 84

Nays: Barrett, Belcourt, Boniek, Caferro, Dickenson, Fleming, French, Hands, Hoven, Lake, MacDonald, A. Noonan, Reinhart, Stahl, Warburton, Wiseman.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 349 - Governor's Amendments - Representative Sonju moved Governor's amendments to **SB 349** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher,

Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 52

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 465 - Governor's Amendments - Representative Cohenour moved Governor's amendments to **SB 465** 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 39 - Representative K. Peterson moved **SJR 39** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 79

Nays: Ankney, Augare, Belcourt, Boss Ribs, Caferro, Campbell, Glaser, Hendrick, Himmelberger, Jones, Kasten, Klock, McGillvray, Mendenhall, Miller, Nooney, Pease-Lopez, Vance, Vincent, Welborn, Wiseman.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The House stood at ease.

SB 498 - Representative Phillips moved **SB 498** do pass.
SB 498 - Representative Belcourt moved **SB 498** be amended as follows.

1. Page 2, line 18.
Strike: "OR"

2. Page 2, line 21.
Following: "SECTION]"
Insert: "; or

(e) apply within the exterior boundaries of any federally recognized Indian reservation within the state of Montana unless the governing body of the tribe adopts a carbon sequestration law and enters into a cooperative agreement with the state"

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, McChesney, 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, Wilmer, Wilson, Mr. Speaker.

Total 97

Nays: Himmelberger, McGillvray, Wiseman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 498 - Representative Phillips moved **SB 498** as amended, do pass. Motion carried as follows.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Glaser, Hamilton, Hawk, Henry, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Roberts, Sesso, Smith, Steenson, Stoker, Villa, Washburn, Welborn, Mr. Speaker.

Total 61

Nays: Becker, Bennett, Blasdel, Blewett, Boniek, Brown, Caferro, Cohenour, Driscoll, Getz, Grinde, Hands, Hendrick, Himmelberger, Hollenbaugh, Howard, Kasten, MacDonald, Malek, McGillvray, Morgan, Pomnichowski, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Wilmer, Wiseman.

Total 37

Excused: None.

Total 0

Absent or not voting: Miller, Wilson.

Total 2

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 86

Nays: Becker, Blasdel, Hendrick, Himmelberger, Kasten, McGillvray, Miller, Randall, Sales, Vance, Vincent, Warburton, Wiseman.

Total 13

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

MOTIONS

Rep. Driscoll moved that her vote be changed to a '**NO**' vote on **SB 498**. Motion carried.

Rep. Belcourt moved to suspend the rules and place **SB 498** on 3rd reading on this the 87th Legislative Day. Motion carried.

Rep. Belcourt moved that **SJR 19** be taken from the Fish, Wildlife and Parks Committee and be placed on 2nd reading on the 88th Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Dickenson, Fleming, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn, Mr. Speaker.

Total 69

Nays: P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Driscoll, Ebinger, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Ingraham, MacDonald, Malek, McAlpin, Menahan, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Berry moved that **SB 510** be taken from the House Taxation Committee and be placed on 2nd reading on the 88th Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Ebinger, Glaser, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 58

Nays: Barrett, Bean, P. Beck, Becker, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollenbaugh, Hunter, Kottel, Lake, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Stoker, Wilmer, Wiseman, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Butcher, 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, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker,

Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr.
Speaker.
Total 78

Nays: Bean, Blasdel, Boniek, Boss Ribs, Brown, Hendrick, Ingraham, Kasten, Kerns,
Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Vance, Vincent,
Wagner.
Total 22

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 331 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, 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, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips,
Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker,
Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr.
Speaker.
Total 86

Nays: Bennett, Blasdel, Boniek, Brown, Kerns, More, Randall, Reichner, Roberts, Sales, Sonju,
Vance, Vincent.
Total 13

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

SB 235 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry,
Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll,
Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry,
Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock,

Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 80

Nays: Boniek, Butcher, Hawk, Himmelberger, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Nooney, Randall, Reichner, Sales, Sonju, Vance, Vincent, Wagner, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

SB 290 Governor's Amendments, 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, 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, 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 89

Nays: Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Sales, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey,

Getz, Grinde, Hamilton, Hands, Hendrick, 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, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 82

Nays: Becker, Bennett, Berry, Blewett, Boland, Caferro, Cohenour, Hawk, Kasten, Kerns, Mendenhall, More, Peterson, Reinhart, Vincent, Wagner, Wilson.

Total 17

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

SB 400 Governor's Amendments, concurred in as follows:

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

Total 86

Nays: Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, Mendenhall, More, Randall, Sales, Sonju, Wagner, Welborn.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 446 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett,

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

Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Sonju, Vance, Vincent, Wagner, Warburton.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 498 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Berry, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Ebinger, French, Furey, Glaser, Hamilton, Hawk, Henry, Hiner, Hollandsworth, Hoven, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Roberts, Sesso, Smith, Steenson, Stoker, Villa, Wagner, Washburn, Welborn, Mr. Speaker.

Total 59

Nays: P. Beck, Becker, Bennett, Blasdel, Blewett, Boniek, Brown, Caferro, Cohenour, Driscoll, Fleming, Getz, Grinde, Hands, Hendrick, Himmelberger, Hollenbaugh, Howard, Hunter, Kasten, MacDonald, McGillvray, Menahan, Morgan, Nooney, Pomnichowski, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Warburton, Wilmer, Wilson, Wiseman.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Hendrick rose on a point of order to move to have his vote changed on **HB 3** to a 'NO'.
Motion carried.

Rep. Beck rose on a point of order to move to have his vote changed on **HB 3** to a 'YES'. Motion carried.

Rep. Roundstone rose on a point of order to move to have his vote changed on **HB 3** to a 'YES'. Motion carried.

Rep. Reinhart rose on a point of order to move to have her vote changed on **SB 371** to a 'NO'. Motion carried.

Rep. Wilson rose on a point of order to move to have his vote changed on **SB 371** to a 'NO'. Motion carried.

SPECIAL ORDERS OF THE DAY

Representative Himmelberger rose on a point of order to address his concerns about other members disrespecting the Montana House or Representatives.

Representative Campbell moved that the House adjourn until 8:30 a.m., Friday, April 24, 2009. Motion carried.

House adjourned at 2:15 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House