

**HOUSE JOURNAL
62ND LEGISLATURE
TENTH LEGISLATIVE DAY**

Helena, Montana
January 13, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Rep. Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Milburn, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/13/2011

Correctly printed: **HB 114, SJR 1.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman): 1/12/2011
HB 114, do pass. Report adopted.

RULES (More, Chairman): 1/12/2011
SJR 1, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 26, introduced by Blewett

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 41, introduced by Shockley

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 72, introduced by Gillan

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:
HB 201, HB 237, HB 244, HB 246

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

HB 236, introduced by Greef, referred to Business and Labor.

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

HB 238, introduced by McChesney, referred to State Administration.

HB 239, introduced by C. Smith, Burnett, Harris, Stahl, Jackson, Osmundson, Howard, Beck, Clark, MacLaren, Hinkle, Milburn, Taylor, Miller, Edmunds, Flynn, Kennedy, Regier, Rosendale, O'Neil, Wittich, Welborn, Ehli, Hale, Hutton, Tutvedt, Buttrey, Skees, Lavin, Kary, McNiven, Knox, Connell, referred to Human Services.

HB 240, introduced by Flynn, Wittich, Skees, Arthun, referred to Judiciary.

HB 241, introduced by Gibson, referred to Transportation.

HB 242, introduced by Miller, Wittich, referred to State Administration.

HB 243, introduced by Kary, Arntzen, Greef, K. Peterson, Berry, McNiven, Edmunds, C. Smith, Warburton, Brodehl, referred to Transportation.

HB 245, introduced by Skees, Wagner, Randall, Kennedy, Kary, Rosendale, Blasdel, Jackson, Taylor, Regier, Loney, McNiven, Edmunds, Hale, More, Howard, Osmundson, Knox, referred to Judiciary.

HB 248, introduced by Miller, referred to Taxation.

HB 249, introduced by Fitzpatrick, referred to Business and Labor.

HB 250, introduced by Menahan, Hansen, referred to Judiciary.

HB 251, introduced by Hoven, referred to Transportation.

HB 252, introduced by Hoven, referred to Transportation.

HB 253, introduced by Hendrick, referred to Judiciary.

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

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

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

HB 41 - Representative Stahl moved **HB 41** do pass. Motion carried unanimously. Mr. Speaker voted absentee.

HB 60 - Representative MacLaren moved **HB 60** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Wagner, Warburton.
Total 2

Voted Absentee: Mr. Speaker, AYE

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 - Representative Schmidt moved **HB 74** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Berry, Peterson.
Total 2

Voted Absentee: Mr. Speaker, AYE

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray 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, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

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 1 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 22 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 96

Nays: Burnett, Kennedy, Kerns.

Total 3

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 38 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 39 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates.

Total 69

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Burnett, Clark, Cuffe, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 30

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 65 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 96 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates.

Total 75

Nays: Arntzen, G. Bennett, Berry, Blasdel, Cuffe, Edmunds, Hale, Hansen, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Randall, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 24

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 97 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

MOTIONS

Representative Wilmer moved to change her vote on **HB 1** from yes to no. Without objection, so ordered.

Representative O'Neil moved to change his vote on **HB 1** from no to yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 14, 2011. Motion carried.

House adjourned at 1:37 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House