

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

Helena, Montana
January 14, 2011

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chairman): 1/14/2011

Correctly engrossed: **HB 29, HB 94.**

Correctly printed: **HB 17, HB 23, HB 45, HB 47, HB 54, HB 63, HB 78, HJR 1.**

Rep. Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 1/13/2011
HB 54, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 1/13/2011
HB 29, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "DIVORCE AND"

Following: "MILITARY"

Strike: "SERVICE"

Insert: "DEPLOYMENT OVERSEAS"

Following: "AS"

Insert: "AN"

2. Title, page 1, line 6.

Strike: "EVENTS"

Insert: "EVENT"

3. Page 3, line 24.

Following: ";

Insert: "or"

4. Page 3, line 25.

Strike: subsection (v) in its entirety

Renumber: subsequent subsection

5. Page 3, line 26.

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Following: "military"

Strike: "service"

Insert: "deployment overseas"

And, as amended, do pass. Report adopted.

HB 63, do pass. Report adopted.

HB 94, introduced bill, be amended as follows:

1. Title, page 1, line 14 through line 15.

Following: "AND RULEMAKING"

Strike: "AND" on line 14 through "OATH" on line 15

2. Title, page 1, line 21.

Strike: "37-60-304,"

3. Page 18, line 4.

Following: "~~oath~~"

Insert: "under oath"

4. Page 18, line 26 through page 19, line 17.

Strike: section 20 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman):

1/14/2011

HB 17, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

1/13/2011

HB 47, do pass. Report adopted.

HB 98, do pass. Report adopted.

HJR 1, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

1/13/2011

HB 23, do pass. Report adopted.

HB 45, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/13/2011

SB 19, introduced by Shockley

SB 21, introduced by Shockley

SB 31, introduced by Wanzenried

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

FIRST READING AND COMMITMENT OF BILLS

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

HB 247, introduced by Miller, referred to Taxation.

HB 254, introduced by Vance, Sonju, referred to Transportation.

HB 255, introduced by Wilmer, Hawks, Welborn, Boland, Skattum, McChesney, Wilmer, Hiner, Sesso, Price, O'Neil, McNally, Sands, Swanson, Driscoll, Pease-Lopez, Connell, MacDonald, Flynn, Furey, Hunter, Miller, Schmidt, McNutt, More, Malek, McClafferty, Mehlhoff, B. Bennett, Noonan, Kary, McNiven, Hands, Menahan, Randall, Belcourt, Squires, Reinhart, Arntzen, Reichner, Di. Barrett, Court, Hendrick, Hollenbaugh, O'Hara, F. Smith, Roberts, Lavin, Skees, Phillips, Yates, K. Williams, Hansen, Gibson, Lewis, Jent, Tropila, Branae, Vincent, Blewett, Keane, Windy Boy, Van Dyk, Zinke, De. Barrett, Ripley, Augare, Wanzenried, Hamlett, Wittich, Knudsen, Brodehl, Stewart-Peregoy, Caferro, Essmann, J. Peterson, Brown, Small, Gillan, Lake, Stahl, Evans, Miller, Kerns, Greef, Ankney, Facey, referred to State Administration.

HB 256, introduced by Wilmer, referred to State Administration.

HB 257, introduced by Wilmer, referred to State Administration.

HB 258, introduced by Edmunds, Connell, referred to Business and Labor.

HB 259, introduced by Loney, Cuffe, Evans, Regier, Stahl, referred to Transportation.

HB 260, introduced by Burnett, Wagner, Knox, Edmunds, O'Neil, Lavin, referred to Natural Resources.

HB 261, introduced by Rosendale, Taylor, Lavin, McNiven, referred to Fish, Wildlife and Parks.

HB 262, introduced by Sands, Welborn, Gillan, referred to Appropriations.

The following House bills were referred to committee:

HB 246, introduced by Connell, G. Bennett, referred to Transportation.

**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 Ingraham in the chair.

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

HB 114 - Representative O'Hara moved **HB 114** do pass.

HB 114 - Representative Esp moved **HB 114**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "TO INCREASE" through "BENEFIT AND"

2. Page 4, line 17.

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Strike: "\$5,000"

Insert: "\$3,500"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates, Mr. Speaker.
Total 52

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 114 - Representative O'Hara moved **HB 114**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer.
Total 56

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, McNutt, Miller, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 44

Excused: None.
Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Absent or not voting: None.

Total 0

SJR 1 - Representative More moved **SJR 1** be concurred in.

SJR 1 - Representative Phillips moved **SJR 1**, second reading copy, be amended as follows:

1. Page 12, line 16.

Following: "Bills"

Insert: ", Bills Proposing Referenda,"

2. Page 12, line 19.

Strike: "and Bills Proposing Referenda"

3. Page 19, line 10.

Strike: "A BILL PROPOSING A REFERENDUM,"

4. Page 19, line 14.

Strike: "BILLS PROPOSING REFERENDA,"

5. Page 19, line 16.

Strike: "and bills proposing referenda"

Amendment **not** adopted as follows:

Yeas: 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

Nays: 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, Mr. Speaker.

Total 68

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

SJR 1 - Representative More moved **SJR 1** be concurred in. Motion carried 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, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

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

Total 32

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

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, 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, Williams, Wilmer, Yates.

Total 80

Nays: Belcourt, Boland, Court, Hiner, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 19

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

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 41 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

Absent or not voting: None.

Total 0

HB 60 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, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 98

Nays: Wagner.

Total 1

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 74 passed 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, Welborn, Williams, Wilmer, Yates.

Total 96

Nays: Berry, Peterson, Washburn.

Total 3

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Saturday, January 15, 2011. Motion carried.

House adjourned at 2:02 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House