

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

Helena, Montana
January 21, 2011

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 1/21/2011

Correctly printed: **HB 12, HB 14, HB 21, HB 36, HB 57, HB 62, HB 69, HB 84, HB 107, HB 111, HB 119, HB 250, HB 269.**

Correctly engrossed: **HB 25, HB 61, HB 90, HB 103, HB 126, HB 132, HB 191.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 1/20/2011
HB 25, introduced bill, be amended as follows:

1. Page 2, line 22.

Following: "substance"

Strike: ".₁"

Insert: ". The requirements of this subsection (1)(d) may not be construed as affecting the rights of an employer to evaluate, discipline, or discharge an employee."

2. Page 4, line 16.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals. A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

3. Page 7, line 10.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals. A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

4. Page 8, line 20.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals."

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A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

And, as amended, do pass. Report adopted.

HB 57, do pass. Report adopted.

HB 84, do pass. Report adopted.

HB 90, introduced bill, be amended as follows:

1. Page 4, line 19.

Following: "to a"

Strike: "person who is licensed pursuant to"

Insert: "transaction governed by"

2. Page 4, line 19 through line 16.

Strike: ", as a" on page 4, line 19 through "part 1" on page 4, line 21

3. Page 14, following line 25.

Insert: "(4) The provisions of this part apply to the activities of retail sellers of manufactured homes and recreational vehicles to the extent determined by the United States department of housing and urban development through guidelines, regulations, or interpretive letters."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

1/19/2011

HB 36, do pass. Report adopted.

HB 191, introduced bill, be amended as follows:

1. Page 2, line 3.

Following: "or"

Insert: "exclusively"

2. Page 2, line 29.

Following: "or"

Insert: "exclusively"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

1/20/2011

HB 12, do pass. Report adopted.

HB 14, do pass. Report adopted.

HB 69, do pass. Report adopted.

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HB 126, introduced bill, be amended as follows:

1. Page 3, line 8.

Following: "45 and 46."

Insert: "If a youth is acquitted in district court of an offense enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 1/21/2011
HB 250, do pass. Report adopted.
HB 269, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 1/20/2011
HB 61, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "or less than 25 miles an hour on an unpaved road"

Strike: "or"

2. Page 1, line 19.

Following: line 18

Insert: "(d) decreases the limit outside an urban district on an unpaved road to a speed to be determined by the local authority; or"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 62, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 1/21/2011
HB 119, do pass. Report adopted.

TAXATION (Blasdel, Chairman): 1/21/2011
HB 21, do pass. Report adopted.
HB 103, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Strike: "2-6-212"

Insert: "15-1-103"

2. Page 2, line 22.

Strike: "2-6-212"

Insert: "15-1-103"

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3. Page 2, line 27 through page 3, line 8.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 15-1-103, MCA, is amended to read:

"15-1-103. Destruction Disposal of tax records authorized -- procedure. (1) Notwithstanding the any other provisions of any other chapter of this code law, the department of revenue is authorized to destroy may dispose of tax records more than 3 years old as shall be determined to be of no if the records do not have any further value or as provided in subsection (3).

(2) Authorization for destruction disposal of tax records shall must be made by the director of revenue the department or authorized employees of the department. A copy of the authorization and authenticated list shall of the records must be maintained by the department.

(3) The department may dispose of original tax records after those records have been reproduced in accordance with rules adopted by the secretary of state in consultation with the state records committee provided for in 2-15-1013. The department shall maintain the reproduction as the public record. The reproduction or certified copy of the reproduction may be used in place of the original in any court or proceeding and has the same force and effect as the original record."

And, as amended, do pass. Report adopted.

HB 107, do pass. Report adopted.

HB 111, do pass. Report adopted.

HB 132, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "15-44-102,"

2. Page 1, line 23 through line 24.

Strike: "such" on line 23 through "as" on line 24

Insert: "including"

3. Page 1, line 24.

Following: "sales"

Insert: "method for residential condominiums"

Following: "or"

Insert: "the"

Following: "method"

Insert: "for commercial property"

Strike: "may"

Insert: "shall"

4. Page 2, line 19 through line 20.

Strike: "such" on line 19 through "as" on line 20

Insert: "including"

5. Page 2, line 20.

Following: "sales"

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Insert: "method for residential condominiums"

Following: "or"

Insert: "the"

Following: "method"

Insert: "for commercial property"

Strike: "may"

Insert: "must"

6. Page 8, line 29 through page 10, line 1.

Strike: section 6 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/20/2011

SB 12, introduced by Erickson

SB 68, introduced by Jent

SB 73, introduced by Murphy

SB 152, introduced by Brown

FIRST READING AND COMMITMENT OF BILLS

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

HB 306, introduced by Berry, Warburton, referred to State Administration.

HB 307, introduced by Burnett, Knox, Klock, C. Smith, Skees, Randall, Hale, Kennedy, referred to Business and Labor.

HB 308, introduced by Ingraham, referred to Taxation.

HB 309, introduced by Welborn, Hale, Stahl, B. Bennett, Ripley, Buttrey, Hamlett, F. Smith, Arthun, Olson, Warburton, Randall, Read, Augare, Kerns, Vance, Tutvedt, De. Barrett, Blasdel, J. Peterson, referred to Agriculture.

HB 310, introduced by Blyton, Howard, Hendrick, Ingraham, Wagner, Loney, More, K. Peterson, Knudsen, O'Hara, Regier, Small, Clark, Warburton, Kary, MacLaren, Skees, Blasdel, Taylor, Flynn, C. Smith, Kennedy, Price, Skattum, Yates, McNutt, Jones, Hansen, Burnett, referred to State Administration.

HB 311, introduced by Brodehl, Taylor, Greef, Cuffe, Berry, Burnett, McChesney, Hiner, McNiven, Ehli, Salomon, Osmundson, Edmunds, Blasdel, F. Smith, referred to Business and Labor.

HB 312, introduced by C. Smith, Blasdel, Wagner, Balyeat, Howard, Taylor, Miller, Hale, Regier, Rosendale, O'Hara, Salomon, Edmunds, MacLaren, Beck, O'Neil, More, McGillvray, Skees, Kary, Vance, Yates, Connell, Burnett, K. Peterson, Kerns, Randall, Kennedy, Read, Knox, referred to Human Services.

HB 313, introduced by Washburn, O'Hara, Wanzenried, Furey, Vuckovich, Blewett, Hamlett,

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Caferro, Regier, Belcourt, Jent, Branae, Menahan, Stewart-Peregoy, Van Dyk, Mehlhoff, referred to State Administration.

HB 314, introduced by Driscoll, referred to Agriculture.

HB 315, introduced by MacDonald, Brown, McChesney, Branae, McClafferty, McNiven, Moss, referred to Business and Labor.

HB 316, introduced by Cook, Milburn, Hollandsworth, referred to Appropriations.

HB 317, introduced by Cook, Milburn, referred to Appropriations.

HB 318, introduced by Warburton, Stahl, G. Bennett, Brown, Ingraham, Ehli, Blyton, Miller, Salomon, referred to Agriculture.

**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 McNally in the chair.

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

HB 171 - Representative Ingraham moved **HB 171** 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, 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, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 59 - Representative Belcourt moved **HB 59** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, 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, 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, Mr. Speaker.
Total 98

Nays: B. Bennett.
Total 1

Excused: None.
Total 0

Absent or not voting: Kennedy.
Total 1

HB 92 - Representative Knudsen moved **HB 92** 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, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, 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, Yates, Mr. Speaker.
Total 96

Nays: Hands, MacDonald, Wilmer.
Total 3

Excused: None.
Total 0

Absent or not voting: Kennedy.
Total 1

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Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNally 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, 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, 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 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy, Mr. Speaker.

Total 2

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 167 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, 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

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

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Total 30

Excused: None.

Total 0

Absent or not voting: Kennedy, McNutt.

Total 2

HB 117 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, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, 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, Mr. Speaker.

Total 98

Nays: Hale.

Total 1

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 235 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, 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, Mr. Speaker.

Total 99

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kennedy.
Total 1

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 281**
Motion carried.

HB 281 (Hands Chief Sponsor)
Representative Hiner, Lewis.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 75**
Motion carried.

HB 75 (McClafferty Chief Sponsor)
Representative Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hiner, Hollenbaugh,
MacDonald, Malek, McChesney, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price,
Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

SPECIAL ORDERS OF THE DAY

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
HONORING THE YMCA***

January 21, 2011

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for 160 years and the Montana Alliance of YMCAs has served our communities since 1885 when the first Y was organized in Helena; and

WHEREAS, thousands of families in Montana benefit directly from the YMCA's extensive programming for all ages through their focus on youth development, healthy living, and social responsibility; and

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WHEREAS, more than 300 Montana high school students learn about civic responsibility by participating in the annual YMCA Youth in Government program which includes the student legislature program; and

WHEREAS, no person is turned away for inability to pay, the Montana YMCAs provide more than \$2.3 million of annual support to our communities; and

WHEREAS, more than 3,640 individuals volunteer at the Y each year making the Montana Alliance of YMCAs one of the largest volunteer-driven organizations in Montana.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the Montana alliance of YMCA's be recognized for its contributions to the citizens of Montana and that January 21, 2011 be declared "Support the Montana Alliance of YMCAs Day."

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, January 22, 2011. Motion carried.

House adjourned at 1:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House