

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
January 30, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker thanked the pages for the week.

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 21 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bennett, Berry, Boniek, Brown, Hawk, Hoven, Ingraham, Kerns, Lake, McGillvray, Miller, Peterson, Randall, Regier, Smith, Stoker, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: Kasten, Sales.

Total 2

HB 30 passed as follows:

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

Total 58

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

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Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 118 passed 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, 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: Boniek, Kerns.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 242 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, 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

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HB 244 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Brown, Butcher, Hawk, Himmelberger, Lake, MacDonald, Mehlhoff, Mendenhall, Miller, Morgan, O'Hara, Pease-Lopez, Peterson, Wagner, Warburton, Washburn.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 245 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, 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

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

1/30/2009

HB 41, do pass. Report adopted.

HB 104, do pass. Report adopted.

HB 157, introduced bill, be amended as follows:

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1. Page 2, line 6.

Strike: "or"

Following: line 6

Insert: "(c) parental preference; or"

Renumber: subsequent subsection

2. Page 2, line 12.

Strike: "may"

Insert: "shall"

3. Page 2, line 22.

Strike: "\$1,307,660"

Insert: "\$900,989"

4. Page 2, line 23.

Strike: "\$3,103,944"

Insert: "\$1,702,418"

And, as amended, do pass. Report adopted.

HJR 8, introduced joint resolution, be amended as follows:

1. Title, page 1, lines 5 and 6.

Following: "MONTANA"

Strike: "EXPANDING" through "OFFICES OF" on line 6

Insert: "ENDORISING THE OPPORTUNITY PROVIDED BY RICHLAND COUNTY TO CREATE A COMBINED FACILITY FOR"

2. Title, page 1, line 6.

Following: "EXTENSION OFFICE"

Strike: "WITH"

Insert: "AND THE MONTANA STATE UNIVERSITY MONTANA AGRICULTURAL EXPERIMENT STATION AT"

3. Title, page 1, line 7.

Following: "CENTER"

Insert: ", SIDNEY, MONTANA"

4. Page 1, line 9.

Strike: line 9 through line 14

Insert: "WHEREAS, the 60th Legislature provided long-range building program appropriations and authorizations to the Montana Agricultural Experiment Station (MAES) for statewide facility improvements, including the MAES Eastern Agricultural Research Center; and

WHEREAS, the Richland County Commissioners have concluded that the local community and the region would be best served by joining the functions and facilities of the Richland County Extension Office with the MAES Eastern Agricultural Research Center; and

WHEREAS, the State of Montana can provide a land lease to Richland County through existing authorities and procedures with the Montana Board of Regents or the State Land Board, or both; and

WHEREAS, the Richland County Commissioners have agreed to provide all financial resources necessary

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to fund the construction, operation, and maintenance of the Richland County Extension Service, including offices, support rooms, a large meeting room, and shared lobby space, connected to the research facility."

5. Page 1, line 18.

Strike: line 18 through line 20

Insert: "(1) That the combined MAES Eastern Agricultural Research Center and Richland County Extension Office would serve to provide enhanced efficiencies and improved research and education opportunities for eastern Montana and the citizens of Montana; and"

And, as amended, be adopted. Report adopted.

HJR 12, do pass. Report adopted.

SB 2, be concurred in. Report adopted.

SB 29, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/30/2009

HB 207, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "20"

Insert: "25"

2. Page 1, line 26.

Strike: "20"

Insert: "25"

And, as amended, do pass. Report adopted.

HB 294, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "resources"

Insert: "on [the effective date of this act]"

2. Page 2, line 28.

Following: "resources."

Insert: "(1)"

3. Page 2, line 30.

Strike: "(1)"

Insert: "(a)"

4. Page 3, line 2.

Strike: "(2)"

Insert: "(b)"

5. Page 3.

Following: line 3

Insert: "(2) Natural gas production and gathering assets cost of service may not be allocated to a customer being

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served by an alternative natural gas supplier."

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/30/2009

HB 130, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AN"

2. Title, page 1, line 9.

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 8.

Following: "grant"

Insert: "through each service area authority, as defined in 53-21-1001,"

4. Page 2, line 12.

Strike: "50%"

Insert: "75%"

5. Page 2, line 29.

Following: "shall"

Insert: "administer the grant program through the service area authorities and"

Following: "rules"

Insert: "by July 1, 2009,"

6. Page 2, line 30.

Following: "expenses"

Insert: ", subject to subsection (4)"

7. Page 3, lines 1 and 2.

Strike: subsection (4) in its entirety

Insert: "(4) Eligible expenses under this section must include:

(a) insurance premiums paid by a county pursuant to subsection (2)(c);

(b) crisis intervention team training and operations paid by a county;

(c) precommitment costs paid by the county pursuant to 53-21-132; and

(d) county expenditures for mental health services in detention centers.

8. Page 3, line 6.

Strike: "\$615,937"

Insert: "\$1,250,000"

9. Page 3, line 7.

Strike: "\$615,937"

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Insert: "\$1,250,000"

10. Page 3, line 22 and 23.

Strike: "date. [This"

Insert: "dates. (1) Except as provided in subsection (2), [this"

Following: line 22

Insert: "(2) [Section 1(3) and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted..

HB 228, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "5"

Insert: "4"

2. Page 1, line 29.

Following: "firearm"

Insert: "to a person other than an identified peace officer"

3. Page 2, lines 17 through page 3, line 24.

Strike: sections 5 and 6 in their entirety

Renumber: subsequent sections

4. Page 4, lines 7 through 15.

Strike: section 9 in its entirety

Renumber: subsequent sections

5. Page 5, line 17.

Strike: "5"

Insert: "4"

6. Page 5, line 19.

Strike: "5"

Insert: "4"

7. Page 5, lines 20 and 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

8. Page 5, line 22.

Strike: "7"

Insert: "5"

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9. Page 5, line 23.

Strike: "7"

Insert: "5"

10. Page 5, line 24.

Strike: "8"

Insert: "6"

11. Page 5, line 25.

Strike: "8"

Insert: "6"

12. Page 5, lines 26 and 27.

Strike: subsection (5) in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/30/2009

HB 192, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "a secrecy envelope,"

2. Page 1, line 27 through page 2, line 1.

Strike: "¿" on page 1, line 27 through "(d)" on page 2, line 1

3. Page 2, line 1.

Following: "the"

Insert: "ballot and"

Strike: "it"

Insert: "the ballot in the return envelope"

4. Page 2, line 2.

Following: "paid,"

Insert: "or by sending the ballot by facsimile transmission"

Following: "state."

Insert: "A legislator may not change the legislator's vote after the ballot is received by the secretary of state."

5. Page 2, line 3 through line 4.

Strike: "and" on line 3 through "time" on line 4

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And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/30/2009

SB 9, introduced by Erickson
SB 76, introduced by Black
SB 121, introduced by Jent
SB 136, introduced by Gebhardt
SB 158, introduced by McGee
SB 209, introduced by Laslovich

FIRST READING AND COMMITMENT OF BILLS

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

HB 399, introduced by Furey, Kaufmann, Morgan, referred to Human Services.
HB 400, introduced by Kottel, Augare, P. Beck, Boss Ribs, Driscoll, Hamilton, Hendrick, Henry, Hiner, Hunter, Jones, Kottel, MacDonald, Morgan, P. Noonan, Nooney, Sesso, Taylor, A. Noonan, MacLaren, Miller, referred to Business and Labor.
HB 401, introduced by Caferro, referred to Judiciary.
HB 402, introduced by French, referred to Natural Resources.
HB 403, introduced by Kottel, referred to Judiciary.

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

SB 9, introduced by Erickson, referred to Local Government.
SB 76, introduced by Black, referred to Natural Resources.
SB 121, introduced by Jent, referred to Judiciary.
SB 136, introduced by Gebhardt, referred to Natural Resources.
SB 158, introduced by McGee, referred to Judiciary.
SB 209, introduced by Laslovich, referred to Judiciary.

Rep. Phillips announced that the Democrats will caucus in Rm. 152.
Mr. Speaker announced that the House will recess for 10 min. at 1:11 p.m.

**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 MacDonald in the chair.

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

HB 55 - Representative Hawk moved **HB 55** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde,

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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, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 91

Nays: Becker, Bennett, Caferro, Dickenson, Hamilton, Kerns, Sands, Wagner, Wiseman.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 98 - Representative Di. Barrett moved **HB 98** do pass. Motion carried as follows:

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

Total 79

Nays: Ankney, B. Beck, Bennett, Boniek, Grinde, Hawk, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Peterson, Randall, Sales, Smith, Stahl, Stoker, Taylor, Vance, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 109 - Representative Hunter moved **HB 109** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, 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, Himmelberger, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Jones, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hollenbaugh, Hoven, Jopek, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.

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Total 30

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 114 - Representative Henry moved **HB 114** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Ankney, Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, McNutt, Miller, More, Peterson, Randall, Stahl, Stoker, Vincent, Wagner, Warburton, Welborn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Stoker moved **HB 133** do pass.

HB 133 - Representative Warburton moved **HB 133**, second reading copy, be amended as follows:

1. Page 11, line 30.

Following: ";"

Insert: "and"

2. Page 12, lines 5 and 6.

Strike: "; and" on line 5 through "rule" on line 6

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara,

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Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

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

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Stoker moved **HB 133** as amended do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, 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, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 76

Nays: Augare, Boniek, Hamilton, Hands, Henry, Hollenbaugh, Howard, Jopek, Kottel, MacDonald, A. Noonan, P. Noonan, Phillips, Pomnichowski, Randall, Sales, Sesso, Smith, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker objected to the amendment vote for HB 133 because representative O'Hara was not present but voted.

Rep. Glaser called a Point of Order and noted that you must suspend the rules in order to object at this point.

Mr. Speaker asked to stand at ease for 5 minutes. The House stood at ease for 5 minutes.

Chairwoman Campbell called the House to order.

Mr. Speaker withdrew his objection.

Rep. Campbell moved to pass consideration on **HB 163** for the day. Motion carried.

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HB 193 - Representative Augare moved **HB 193** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, 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, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bennett, Berry, Boniek, Butcher, Hawk, Howard, Kerns, Lake, More, Peterson, Randall, Regier, Roberts, Sales, Stahl, Vincent, Wagner, Warburton.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 195 - Representative Hamilton moved **HB 195** 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, 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 98

Nays: McGillvray, Wiseman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 - Representative Mendenhall moved **HB 259** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson,

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Wiseman.
Total 76

Nays: Augare, Barrett, Becker, Cohenour, Dickenson, Driscoll, Hands, Henry, Himmelberger, Hollandsworth, Jopek, Kerns, MacDonald, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Roundstone, Sesso, Villa, Wilmer, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 - Representative Himmelberger moved **HB 283** do pass. 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, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Ingraham, Stahl, Wagner.
Total 4

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 MacDonald 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, 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, Kerns, Klock, Kottel, Lake, 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, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Hawk, McGillvray, Regier, Villa, Vincent.

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Total 5

Excused: None.

Total 0

Absent or not voting: Butcher, MacDonald.

Total 2

MOTIONS

Rep. Campbell moved that **HB 385** be moved from the Appropriations Committee to the Business and Labor Committee. Motion carried.

Rep. Campbell moved that **HB 259** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Mr. Speaker announced that the W-2's should be in every members mailbox.

Mr. Speaker "I want to compliment the body for its restraint. As of the 20th legislative day we have introduced 401 bills and resolutions - on the 20th day last session 544 bills and resolutions had been introduced. That is a 26% decrease. The Senate has also seen a 20% decrease in the number of bills introduced.

There are more drafts on hold this session 923 compared to 831 last session and fewer total requests 2,306 as compared to 2,540 last session.

I am optimistic that the House will be able to get its work done in an orderly fashion. But that being said we are moving into the time period where we will have longer boards on second reading. We will work longer on Saturdays - tomorrow we will have a longer board on second reading.

I need committee chairs to look at the bills they have in committee and make sure you have time to get everything scheduled and executive action taken. Tuesday/Thursday committees only have six committee hearings left before transmittal. Monday/Wednesday/Friday committees only have nine hearing days left.

We are in good shape, but we need to continue to work hard to avoid long days and evenings in the week before transmittal."

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, January 31, 2009. Motion carried.

House adjourned at 2:48 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House