

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

Helena, Montana  
February 6, 2009

House Chambers  
State Capitol

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

Roll Call. All members present. Except for Representatives McAlpin and Stahl who were excused. 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 150** passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Ebinger, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 60

Nays: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Hamilton, Hands, Henry, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 39

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

**HB 159** 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, 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, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Kasten, Kerns, McGillvray, Sales, Stoker, Wagner.

Total 7

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Excused: Stahl.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Jopek, Chairman): 2/6/2009  
**SB 130**, do pass. Report adopted.  
**HB 247**, do pass. Report adopted.

**APPROPRIATIONS** (Sesso, Chairman): 2/6/2009  
**HB 27**, do pass. Report adopted.  
**HB 82**, do pass. Report adopted.  
**HB 128**, do pass. Report adopted.  
**SB 117**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Wilson, Chairman): 2/6/2009  
**HB 354**, do pass. Report adopted.  
**SB 42**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Van Dyk, Chairman): 2/6/2009  
**HB 166**, do pass. Report adopted.  
**HB 172**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "with a"  
**Insert:** "diagnosed"

2. Page 1, line 20 through line 24.

**Following:** "(3)"

**Strike:** remainder of line 20 through line 24 in their entirety

**Insert:** "Each person who uses a provisional hunter safety and education certificate must be in the company of and assisted by the person's parent or guardian or by an adult designated by the person or by the person's parent or guardian when hunting and shall conduct all hunting within the terms and conditions of the license issued. A person who is accompanying and assisting a person with a disability must:

(a) have successfully completed a hunter safety and education course pursuant to 87-2-105(1);

(b) have as the sole priority the direct supervision of the person with a disability at all times;

(c) not be actively engaged in hunting while assisting and accompanying the person with a disability and may be the custodian of firearms necessary for the hunting experience of the person with a disability; and

(d) be able to immediately intervene and control the firearm of the person with a disability at any time."

And, as amended, do pass. Report adopted.

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**HB 337**, introduced bill, be amended as follows:

1. Page 3, line 9.

**Following:** "jurisdiction."

**Insert:** "Any license or permit purchased by gift certificate must be valid for the license year in which the gift certificate was purchased or for the next license year."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Stoker, Chairman):

2/6/2009

**HB 298**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Arntzen, Chairman):

2/6/2009

**HB 156**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "REGULATIONS;"

**Insert:** "ALLOWING A 10-DAY PERIOD TO BRING A VIOLATION INTO COMPLIANCE;"

2. Title, page 1, line 8.

**Following:** "SECTIONS"

**Insert:** ", 76-2-113, 76-2-210,"

**Following:** "76-2-211"

**Insert:** ", 76-2-308,"

3. Page 1.

**Following:** line 18

**Insert:** "**Section 2.** Section 76-2-113, MCA, is amended to read:

**"76-2-113. Enforcement of zoning provisions.** (1) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or of any resolution adopted under this part, the county, in addition to other remedies, may take any appropriate action or begin proceedings to:

(+)(a) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2)(b) restrain, correct, or abate a violation;

(3)(c) prevent the occupancy of a building, structure, or land; or

(4)(d) prevent any illegal act, conduct, business, or use in or near the premises.

(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under [section 1]."

**Insert:** "**Section 3.** Section 76-2-210, MCA, is amended to read:

**"76-2-210. Enforcement of zoning provisions.** (1) ~~In case~~ If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any resolution ~~made under authority conferred hereby~~ adopted under this part, ~~the proper authorities of the county,~~ in addition to other remedies, may institute any appropriate action or proceedings to:

(a) prevent ~~such~~ the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; ~~to~~

(b) restrain, correct, or abate ~~such~~ a violation; ~~to~~

(c) prevent the occupancy of ~~such~~ the building, structure, or land; or ~~to~~

(d) prevent any illegal act, conduct, business, or use in or ~~about~~ near ~~such~~ the premises.

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(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-211.

~~(2)~~(3) The board of county commissioners may appoint enforcing officers to supervise and enforce the provisions of the zoning resolutions.""

**Renumber:** subsequent sections

4. Page 1.

**Following:** line 26

**Insert:** "Section 5. Section 76-2-308, MCA, is amended to read:

**"76-2-308. Enforcement of zoning regulations and ordinances.** (1) The city or town council or other legislative body may provide by ordinance for the enforcement of this part and of any regulation or ordinance ~~made thereunder~~ adopted under this part.

(2) ~~In case any~~ If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation ~~made under authority conferred hereby~~ adopted under this part, the ~~proper local authorities~~ of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to:

(a) prevent ~~such~~ the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; ~~to~~

(b) restrain, correct, or abate ~~such~~ a violation; ~~to~~

(c) prevent the occupancy of ~~such~~ the building, structure, or land; or ~~to~~

(d) prevent any illegal act, conduct, business, or use in or ~~about~~ ~~such~~ near the premises.

(3) The municipality shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-315.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ALLOW FOR"

**Insert:** "LIMITED"

2. Page 1, line 12.

**Following:** "program"

**Insert:** "-- award value limited"

**Following:** "."

**Insert:** "(1)"

3. Page 1, line 15.

**Strike:** "(1)"

**Insert:** "(a)"

4. Page 1, line 17.

**Strike:** "(2)"

**Insert:** "(b)"

5. Page 1.

**Following:** line 18

**Insert:** "(2) An award to an individual under this part may not exceed \$50 in value."

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And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Himmelberger, Chairman):  
**HB 274**, do pass. Report adopted.

2/6/2009

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 358**, introduced by Bergren, referred to State Administration.

**HB 467**, introduced by McAlpin, Arntzen, De. Barrett, , Boss Ribs, Campbell, Driscoll, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, K. Peterson, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Warburton, Welborn, Wilmer, De. Barrett, Black, Branae, R. Brown, , Brueggeman, Erickson, Gillan, Hawks, Jent, Larsen, Laslovich, Perry, Squires, Wanzenried, Williams, referred to Appropriations.

**HB 468**, introduced by Cohenour, Boland, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Hands, Hollenbaugh, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Steenson, Van Dyk, referred to Education.

**HB 469**, introduced by Cohenour, referred to Local Government.

**HB 470**, introduced by Cohenour, referred to Judiciary.

**HB 471**, introduced by Van Dyk, referred to State Administration.

**HB 472**, introduced by Di. Barrett, Vincent, referred to Transportation.

**HB 473**, introduced by Berry, referred to Judiciary.

**HB 474**, introduced by McAlpin, referred to Education.

**HB 475**, introduced by Phillips, referred to State Administration.

**HB 476**, introduced by Arntzen, referred to Local Government.

**HB 477**, introduced by Menahan, referred to Judiciary.

**HB 478**, introduced by Grinde, MacDonald, referred to Agriculture.

**HB 479**, introduced by Boniek, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 19**, introduced by Reinhart, Hands, Getz, Dickenson, Boland, Malek, De. Barrett, Cohenour, Wilmer, Blewett, Fleming, Roundstone, Henry, Pomnichowski, A. Noonan, MacDonald, Mehlhoff, Hamilton, Wilson, referred to Business and Labor.

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes in room 455.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 1:25 p.m. House recessed at 1:10 p.m.

Mr. Speaker called the House to order at 1:32 p.m.

**MOTIONS**

Rep. Campbell moved to pass consideration on **HB 84** for the day.

**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

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on second reading. Motion carried. Representative P. Noonan in the chair.

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

**HB 75** - Representative Van Dyk moved **HB 75** do pass. Motion carried as follows:

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

Total 79

Nays: Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Reichner, Sales, Sonju, Stoker, Wagner, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 170** - Representative Menahan moved **HB 170** do pass. Motion carried as follows:

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

Total 81

Nays: B. Beck, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Vance, Wagner, Warburton.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 192** - Representative Taylor moved **HB 192** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Ebinger, Fleming, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns,

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Klock, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.  
Total 57

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.  
Total 43

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 203** - Representative Miller moved **HB 203** 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, 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, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: French, McAlpin, A. Noonan, Phillips, Pomnichowski, Roundstone, Sesso, Villa, Wilmer.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 211** - Representative Welborn moved **HB 211** 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, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, 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 90

Nays: Caferro, Dickenson, Hands, Hawk, Howard, McAlpin, McGillvray, Reichner, Reinhart.

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Total 9

Excused: None.

Total 0

Absent or not voting: French.

Total 1

**HB 273** - Representative O'Hara moved **HB 273** 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, 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

**HB 223** - Representative Cohenour moved **HB 223** do pass. Motion carried as follows:

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

Total 77

Nays: Ankney, Bennett, Berry, Boniek, Brown, Butcher, Howard, Kerns, Lake, McGillvray, Mendenhall, Milburn, Morgan, Randall, Regier, Roundstone, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 289**, introduced by Phillips, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature. Motion **failed** as follows.

Yeas: Barrett, P. Beck, Becker, Belcourt, Boland, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Howard, Ingraham, Jopek, MacLaren, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Stahl, Van Dyk, Villa, Wilson, Wiseman.  
Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Campbell, Glaser, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Glaser noted that **HB 289** will progress onto 3rd reading, due to the 2/3 majority vote required by the entire legislature.

**HJR 7** - Representative Vincent moved **HJR 7** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, 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, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 87

Nays: Barrett, Grinde, Hands, Hiner, MacDonald, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sesso, Villa, Wiseman.  
Total 13

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

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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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, 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, Wagner, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.  
Total 93

Nays: Hawk, McGillvray, Wilson.  
Total 3

Excused: McAlpin, Stahl.  
Total 2

Absent or not voting: Nooney, Washburn.  
Total 2

**ANNOUNCEMENTS**

Rep. Mendenhall announced that the chocolate and valentine fair will be held at the civic center tomorrow.

**MOTIONS**

Rep. Campbell moved that **HB 273** be moved to Appropriations.  
Rep. Campbell moved that **HB 211** be moved to Appropriations.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 p.m., Saturday, February 7, 2009. Motion carried.

House adjourned at 2:40 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House