

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

Helena, Montana
January 31, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Lake. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Representative Himmelberger, O'Hara, P. Beck, Hands and Ankney who were excused. Quorum present.

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 55 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, 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, 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 92

Nays: Bennett, Caferro, Kerns, Sands, Wagner, Wiseman.

Total 6

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: None.

Total 0

HB 98 passed as follows:

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

Total 71

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Warburton, Welborn.

Total 27

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Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 109 passed 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, Hendrick, Henry, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hollenbaugh, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 32

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 114 passed as follows:

Yeas: Ankney, 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, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, McNutt, More, Peterson, Randall, Stoker, Warburton, Welborn.
Total 13

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 193 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, 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, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 85

Nays: Berry, Boniek, Butcher, Hawk, Kerns, Lake, Peterson, Randall, Regier, Sales, Stoker.

Total 11

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: Reichner, Wilson.

Total 2

HB 195 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, 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, 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 96

Nays: McGillvray, Wiseman.

Total 2

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: None.

Total 0

HB 283 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, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, 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, 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 96

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Nays: None.
Total 0

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: Caferro, Ebinger.
Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 1/31/2009
HB 123, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/31/2009
HB 44, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

2. Page 1, line 23.

Strike: "coordinating agency status"

Insert: "coordination"

3. Page 1, line 24.

Strike: "shall"

Insert: "may"

4. Page 1, line 24 through line 25.

Strike: "coordinating agency status"

Insert: "coordination"

5. Page 2, line 5.

Strike: "July 1, 2009"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 84, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "July"

Insert: "June"

Strike: "October"

Insert: "September"

2. Page 1, line 26.

Strike: "November 20"

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Insert: "October 20"

And, as amended, do pass. Report adopted.

HB 139, do pass. Report adopted.

HB 153, introduced bill, be amended as follows:

1. Page 2, line 27.

Strike: "60"

Insert: "30"

2. Page 3, line 14.

Strike: "any"

Insert: "either"

3. Page 3, line 19.

Strike: "any"

Insert: "either"

4. Page 3, line 25.

Strike: "any"

Insert: "either"

5. Page 4, line 11.

Strike: "reasonably unforeseeable"

6. Page 4, line 12.

Following: "cleanup plan that"

Insert: "were not identified in the environmental assessment component pursuant to subsection (1),"

Following: "environment"

Strike: "or"

Insert: ", and"

7. Page 4, line 15.

Strike: "unforeseen"

And, as amended, do pass. Report adopted.

HJR 1, introduced joint resolution, be amended as follows:

1. Page 2, line 2.

Strike: "and"

2. Page 2, line 4.

Following: "if any"

Insert: "; and"

(7) (a) evaluate the availability of the forest biomass resource in Montana from a biological, administrative, and economic standpoint; and

(b) evaluate available biomass resources against existing biomass consumption to determine the forest biomass balance

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And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/31/2009

SB 123, introduced by Squires
SB 170, introduced by Gebhardt
SB 173, introduced by Murphy
SB 219, introduced by Squires

Senate joint resolution passed and transmitted to the House for concurrence: 1/31/2009

SJR 5, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

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

HB 404, introduced by Reinhart, De. Barrett, Belcourt, Ebinger, Hands, A. Noonan, referred to Business and Labor.
HB 405, introduced by Reinhart, De. Barrett, Dickenson, Ebinger, Hamilton, Hands, Hollenbaugh, MacDonald, Sesso, referred to Local Government.
HB 406, introduced by Reinhart, De. Barrett, Grinde, Hands, Hamilton, Cohenour, A. Noonan, Pomnichowski, Sesso, MacDonald, Ebinger, referred to Local Government.
HB 407, introduced by MacDonald, McClafferty, Malek, Campbell, Steenson, Grinde, Pomnichowski, Boss Ribs, Pease-Lopez, Hiner, McAlpin, Cohenour, Kottel, Driscoll, French, Caferro, Dickenson, Dickenson, Wilmer, Hands, Furey, Reinhart, Sands, Boland, Henry, referred to Judiciary.
HB 408, introduced by Pomnichowski, McAlpin, Hendrick, referred to Business and Labor.
HB 409, introduced by Pomnichowski, Hands, French, Henry, McAlpin, Becker, referred to Human Services.
HB 410, introduced by Pomnichowski, McAlpin, Reinhart, Sesso, referred to Local Government.
HB 411, introduced by McChesney, Getz, Ankney, referred to Natural Resources.
HB 412, introduced by Wiseman, Mendenhall, referred to Business and Labor.
HB 413, introduced by K. Peterson, Arntzen, Glaser, McGillvray, referred to Taxation.
HB 414, introduced by Bennett, Curtiss, Nooney, Reinhart, Vincent, referred to Appropriations.
HB 415, introduced by MacDonald, Getz, P. Beck, Jones, Brueggeman, Zinke, Black, referred to Agriculture.
HB 416, introduced by MacDonald, MacDonald, P. Beck, Berry, Brueggeman, referred to Agriculture.

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

HR 2, introduced by McGillvray, referred to Judiciary.

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

SB 123, introduced by Squires, referred to State Administration.
SB 170, introduced by Gebhardt, referred to State Administration.
SB 173, introduced by Murphy, Mendenhall, referred to Education.
SB 219, introduced by Squires, referred to State Administration.

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

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SJR 5, introduced by Laible, referred to Human Services.

**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 Kerns in the chair.

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

HB 197 - Representative Ebinger moved **HB 197** do pass. Motion carried as follows:

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

Total 80

Nays: B. Beck, Bennett, Blasdel, Hendrick, Hoven, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 263 - Representative Smith moved **HB 263** do pass. Motion carried as follows:

Yeas: Ankney, 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 94

Nays: Kerns, Mendenhall, Villa, Wiseman, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: Arntzen.

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Total 1

HB 264 - Representative Smith moved **HB 264** 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, 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, 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, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Caferro, Kerns, Mendenhall, Sales, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 326 - Representative Mendenhall moved **HB 326** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, 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, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 96

Nays: Campbell, Kerns, Villa, Mr. Speaker.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 371 - Representative Cohenour moved **HB 371** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, 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,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: B. Beck, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Sonju, Wagner, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 7 - Representative Brown moved **SB 7** be concurred in. 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, 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, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 85

Nays: B. Beck, Boniek, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Regier, Sales, Vance, Vincent, Wagner, Warburton, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 10 - Representative Stoker moved **SB 10** be concurred in. 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, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

Nays: Boniek, Mendenhall, More, Sales, Wagner, Mr. Speaker.

Total 6

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 11 - Representative Lake moved **SB 11** be concurred in. 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.
Total 99

Nays: Mr. Speaker.
Total 1

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

Yeas: Arntzen, Augare, Barrett, Bean, B. 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, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 90

Nays: Mendenhall, Sales, Van Dyk, Vincent, Mr. Speaker.
Total 5

Excused: Ankney, P. Beck, Hands, Himmelberger, O'Hara.
Total 5

Absent or not voting: None.
Total 0

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MOTIONS

Rep. Campbell moved that **HB 289** be moved to the House State Administration Committee. Motion carried.

ANNOUNCEMENTS

Rep. Sands thanked everyone for their donations to Mr. Speaker

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 2, 2009. Motion carried.

House adjourned at 8:39 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House