

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

Helena, Montana
February 3, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 2/3/2009
HB 250, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/3/2009
HB 95, introduced bill, be amended as follows:

1. Page 8, line 4.
Strike: "department"
Insert: "state"

2. Page 8, line 7.
Strike: "department"
Insert: "state"

3. Page 8, line 19 through line 25.
Strike: subsection (10) in its entirety

And, as amended, do pass. Report adopted.

HB 209, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 2/3/2009
HB 170, introduced bill, be amended as follows:

1. Page 36, line 13.
Insert: "NEW SECTION. Section 24. Compliance with federal laws regarding military service. (1) With respect to a member's death occurring on or after January 1, 2007, while the member is performing qualified military service covered under the Heroes Earnings Assistance and Relief Tax Act of 2008, Public Law 110-245, and to the extent required by section 401(a)(37) of the Internal Revenue Code, 26 U.S.C. 401(a)(37), the designated beneficiaries are entitled to benefits that the system would have provided if the member's death had occurred while in covered employment.

(2) With respect to a member's disability occurring on or after January 1, 2009, while the member is performing qualified military service covered under the Heroes Earnings Assistance and Relief Tax Act of 2008,

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Public Law 110-245, and to the extent required by section 401(a)(37) of the Internal Revenue Code, 26 U.S.C. 401(a)(37), the members is entitled to any benefits that the system would have provided had the member become disabled while in covered employment."

Renumber: subsequent sections

2. Page 36, line 14.

Strike: "and"

Insert: ", "

Following: "10"

Insert: ", and 24"

3. Page 36, line 16.

Strike: "and"

Insert: ", "

Following: "10"

Insert: ", and 24"

4. Page 37, line 17.

Insert: "(14) [Section 24] applies retroactively to retirement system member deaths on and after January 1, 2007, and to retirement system member disabilities on and after January 1, 2009."

And, as amended, do pass. Report adopted.

HB 289, introduced bill, be amended as follows:

1. Page 1, line 23.

Strike: "or adjourn"

And, as amended, do pass. Report adopted.

HJR 13, be adopted. Report adopted.

MESSAGES FROM THE SENATE

SB 80, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/3/2009

Yeas - 20

Nays - 30

SB 81, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/3/2009

Yeas - 21

Nays - 29

Senate bills passed and transmitted to the House for concurrence:

2/3/2009

SB 148, introduced by J. Peterson

SB 164, introduced by De. Barrett

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

SB 256, introduced by Shockley

Senate joint resolutions passed and transmitted to the House for concurrence:

2/3/2009

SJR 7, introduced by Brenden

SJR 15, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

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

HB 422, introduced by Cohenour, Hawks, referred to Federal Relations, Energy, and Telecommunications.

HB 423, introduced by Pomnichowski, referred to Natural Resources.

HB 424, introduced by Pomnichowski, referred to Natural Resources.

HB 425, introduced by Pomnichowski, referred to Natural Resources.

HB 426, introduced by Milburn, referred to Fish, Wildlife and Parks.

HB 427, introduced by Boniek, referred to Judiciary.

HB 428, introduced by Pomnichowski, referred to Taxation.

HB 429, introduced by Pomnichowski, referred to Natural Resources.

HB 430, introduced by Blewett, referred to Fish, Wildlife and Parks.

The following **House Joint Resolution** was introduced, read first time, and referred to committee:

HJR 15, introduced by Milburn, referred to Fish, Wildlife and Parks.

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

SB 80, introduced by McGee, referred to Education.

SB 81, introduced by McGee, referred to Education.

SB 148, introduced by J. Peterson, referred to Local Government.

SB 164, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

SB 256, introduced by Shockley, referred to Judiciary.

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

SJR 7, introduced by Brenden, referred to Natural Resources.

SJR 15, introduced by Tutvedt, Gebhardt, Steinbeisser, referred to Fish, Wildlife and Parks.

**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 Nooney in the chair.

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

HB 44 - Representative Vincent moved **HB 44** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

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 139 - Representative Vincent moved **HB 139** 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 153 - Representative Hands moved **HB 153** do pass.

Yeas: Ankney, Arntzen, Augare, Barrett, 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, 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, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Total 92

Nays: Bean, Butcher, Hawk, Howard, Kerns, Lake, Regier, Welborn.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 294 - Representative MacLaren moved **HB 294** do pass. Motion carried as follows:

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

Total 68

Nays: Arntzen, Bean, B. Beck, Boniek, Brown, Butcher, Caferro, Glaser, Hawk, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 123 - Representative Jones moved **HB 123** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, 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 85

Nays: Becker, Belcourt, Cohenour, Dickenson, Furey, Grinde, Jopek, MacDonald, Malek, Phillips, Pomnichowski, Wiseman.

Total 12

Excused: None.

Total 0

Absent or not voting: Hamilton, McChesney, Pease-Lopez.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Total 3

HJR 1 - Representative French moved **HJR 1** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, 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, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Stoker, Vance.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 12 - Representative Steenson moved **HJR 12** be adopted. Motion carried as follows:

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

Total 52

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

Total 48

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

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser,

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Arntzen, B. Beck, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: Nooney, Stahl.

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 41 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Hunter, Ingraham, Jones, Jopek, 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, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Howard, Kasten, Kerns, Mendenhall, More, Randall, Regier, Sales, Sonju, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 104 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,

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

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 157 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 60

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

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 207 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

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Bennett, Butcher, Hawk, Howard, Kerns, McGillvray, Mendenhall, Regier, Sales, Stahl.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 8 adopted 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, 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, 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, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Dickenson, Driscoll, Himmelberger, Sales, Sonju.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HB 29** be moved to the Appropriations Committee. Motion carried.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Rep. Campbell moved that **HB 133** actions from yesterday be reconsidered and be placed on 2nd reading. Motion carried.

Rep. Campbell moved that **HB 94** be moved to the Appropriations Committee. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 159, introduced bill, be amended as follows:

2/3/2009

1. Title, line 9.

Following: "SECRETS"

Insert: "AND ARE PRIVILEGED"

2. Page 2, line 18.

Following: "secrets and"

Insert: "are privileged. The materials"

3. Page 2, line 19 through line 21.

Following: "litigation" on page 2, line 19

Strike: ", provided" on page 2, line 19 through "privilege" on page 2, line 21

And, as amended, do pass. Report adopted.

HB 211, introduced bill, be amended as follows:

1. Title, line 10.

Following: "AGE;"

Insert: "PROVIDING FOR REVOCATION OF A CERTIFICATION FOR EXCESSIVE VIOLATIONS;"

2. Page 3, line 1.

Following: "annually"

Strike: ", and the certification may be revoked for noncompliance with [section 5]"

3. Page 3, following line 1.

Insert: "(2) (a) A certification may be revoked for noncompliance with [section 5]. A certification must be revoked if a vendor is determined by the department to be guilty of excessive violations of 16-3-301 with respect to the vendor's or the vendor's employees selling, delivering, or giving alcoholic beverages to underage persons.

(b) For the purposes of this subsection (2), "excessive violations" means more than four violations described in subsection (2)(a) in a 3-year period."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Mr. Speaker reminded everyone that the state of the Judiciary address is tomorrow and asked everyone to keep their desks clean.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 3, 2009

Mr. Speaker reminded everyone that it is now possible to go fully paperless for every message, email, bill, etc.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 4, 2009. Motion carried.

House adjourned at 2:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House