

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

Helena, Montana
February 7, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 80, introduced bill, be amended as follows:

2/7/2009

1. Title, line 10.

Following: "DUTIES; REVISING"

Strike: "THE BASIS FOR"

Insert: "PROVISIONS RELATING TO"

2. Title, line 10 through line 11.

Strike: "TO" on line 10 through "ADDICTION" on line 11

3. Title, line 17.

Following: "37-35-201,"

Insert: "37-35-202,"

4. Page 9, line 23 through line 25.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

5. Page 9, line 26.

Following: "(11)"

Strike: "documented"

6. Page 9, line 27 through line 28.

Strike: "in" on line 27 through "duties" on line 28

7. Page 11, line 28 through line 30.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

8. Page 12, line 2.

Following: "that the"

Strike: "documented"

9. Page 12, line 2 through line 3.

Strike: "in" on line 2 through "duties" on line 3

10. Page 28, line 11.

Strike: "or"

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

11. Page 28, following line 14.

Insert: "(d) of a student, intern, or resident in addiction counseling who is pursuing a course of study at an accredited college or university or who is working in a generally recognized training center if the activity or service constitutes part of the course of study; or"

Renumber: subsequent subsection

12. Page 28, following line 22.

Insert: "Section 37. Section 37-35-202, MCA, is amended to read:

"37-35-202. Licensure requirements -- examination -- fees. (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the department by rule and a written application on a form provided by the department that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by department rule.

(2) A person may apply for licensure as a licensed addiction counselor if the person has:

(a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology, social work, or counseling, or a comparable degree from an accredited college or university; or

(b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from an accredited institution.

(3) Prior to becoming eligible to begin the examination process, each person shall complete supervised work experience in an addiction treatment program as defined by the department, in an internship approved by the department, or in a similar program recognized under the laws of another state.

(4) Each applicant shall successfully complete a competency examination, in writing only, as defined by rules adopted by the department.

(5) An applicant for licensure as a licensed addiction counselor must meet the education requirements before applying for licensure or beginning the required supervised work experience or internship.

(6) (a) An applicant who has completed all licensure requirements except the required supervised work experience or internship and the examination may apply for a temporary practice permit that authorizes the applicant to complete the required supervised work experience or internship.

(b) Temporary practice permits must be issued if it is determined that:

(i) a complete application approved by the department has been submitted;

(ii) initial screening by program staff shows no current disciplinary action against the applicant in this or any other state;

(iii) the applicant for a temporary practice permit may only function under the supervision of a supervisor who is trained in addiction counseling or a related field as defined by rule and who has an active license in good standing in Montana or any other state; and

(iv) the applicant has completed all educational requirements as prescribed in subsection (2)(a) or (2)(b).

(c) A person may practice licensed addiction counseling under a temporary practice permit until the person either fails the first license examination for which the person is eligible following issuance of the temporary practice permit or passes the examination and is granted a license.

~~(5)(7)~~ A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

~~(6)(8)~~ For the purposes of this section, "comparable degree" means a degree with accredited college course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis, 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this subsection may be obtained in an associate or master's degree program if the applicant does not have a qualifying baccalaureate degree.""

Renumber: subsequent sections

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

13. Page 38, following line 22.

Insert: "NEW SECTION. Section 52. Transition. Individuals who are qualified under 37-35-202(6) may engage in required supervised training in addiction counseling until rules for applying for and the issuance of temporary permits are adopted and implemented by the department of labor and industry."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 94, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

Strike: "ALLOWING" on line 7 through "DEBTOR;" on line 9

2. Page 2, line 21.

Following: "31-1-111,"

Strike: "must be allowed to"

Insert: "may"

3. Page 2, line 26 through page 2, line 28.

Strike: subsection (5) in its entirety

And, as amended, do pass. Report adopted.

HB 286, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PRODUCERS AND"

2. Page 3, line 3.

Following: "its"

Strike: "producers and"

And, as amended, do pass. Report adopted.

HB 374, introduced bill, be amended as follows:

1. Page 2, line 9 through line 15.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

2. Page 6, line 3.

Strike: "or Title 50"

3. Page 7, line 2.

Strike: "or Title 50"

4. Page 7, line 22.

Strike: "or Title 50"

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

5. Page 7, following line 23.

Insert: "(5) (a) For the purposes of this section "electrical maintenance" means the ordinary and customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to replacing ballasts, relamping, trouble-shooting motor controls, and replacing motors, breakers, or magnetic starters in a kind-for-kind manner. The term includes the connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

(b) The term does not include installation of a new circuit to operate the equipment described in subsection (5)(a) or installation that requires the size of supply conductors to be increased."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

2/7/2009

HB 194, do pass. Report adopted.

HJR 4, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/7/2009

HB 373, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "PLATES"

Strike: "FOR"

2. Title, page 1, line 5.

Strike: "THE IMMEDIATE FAMILY OF A MEMBER OF THE U.S. ARMED FORCES WHO DIED DURING COMBAT"

3. Page 3, line 28.

Strike: "Immediate family"

Insert: "Family"

Following: "who"

Strike: "died during combat"

Insert: "are eligible for a "Gold Star Lapel Button""

4. Page 4, line 26.

Following: "providing"

Strike: "any proof" through "require"

Insert: "a department of defense form 3 (DD Form 3) or its successor or documents showing the person's eligibility for a "Gold Star Lapel Button""

5. Page 4, line 27.

Strike: "spouse, parent, sibling, or child"

Insert: "family member"

Strike: "who died during combat"

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Insert: "who is eligible to receive a "Gold Star Lapel Button" as provided in Public Law 534 - 89th Congress"

6. Page 4, line 28.

Following: "inscribed with a"

Insert: "blue-bordered"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/7/2009

SB 227, introduced by R. Brown

SB 240, introduced by Brenden

SB 249, introduced by Curtiss

SB 262, introduced by Wanzenried

SB 187, introduced by Balyeat, 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:

2/7/2009

Yeas - 27

Nays - 23

FIRST READING AND COMMITMENT OF BILLS

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

HB 480, introduced by Pomnichowski, referred to Fish, Wildlife and Parks.

HB 481, introduced by Hendrick, referred to Business and Labor.

HB 482, introduced by Howard, Ingraham, McGillvray, Mendenhall, Arntzen, Taylor, Boniek, Washburn, Randall, referred to Agriculture.

HB 483, introduced by Jones, Villa, Black, Mehlhoff, Ankney, Belcourt, Keane, Augare, referred to Federal Relations, Energy, and Telecommunications.

HB 484, introduced by Arntzen, referred to Taxation.

HB 485, introduced by Arntzen, Hands, Jones, Howard, McNutt, referred to Judiciary.

HB 486, introduced by MacLaren, Reinhart, Zinke, Brueggeman, Laible, Hawks, , Gillan, referred to Local Government.

HB 487, introduced by McNutt, Jones, referred to Taxation.

HB 488, introduced by Jones, referred to Education.

HB 489, introduced by Kottel, referred to Judiciary.

HB 490, introduced by Van Dyk, referred to Judiciary.

HB 491, introduced by Wiseman, Erickson, referred to Federal Relations, Energy, and Telecommunications.

HB 492, introduced by Bennett, Vincent, referred to Judiciary.

HB 493, introduced by Villa, referred to State Administration.

HB 494, introduced by Arntzen, referred to Taxation.

HB 495, introduced by Arntzen, referred to Judiciary.

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

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

SB 187, introduced by Balyeat, Balyeat, Jackson, Hinkle, Black, Curtiss, Shockley, Black, Tutvedt, Murphy, Bales, Tutvedt, Murphy, Bales, Brenden, J. Peterson, Gebhardt, De. Barrett, Laible, Laible, T. Brown, Essmann, Warburton, Mendenhall, Boniek, Miller, Bennett, Randall, O'Hara, Zinke, Butcher, More, Kasten, Kerns, Ankney, referred to State Administration.

SB 227, introduced by R. Brown, referred to State Administration.

SB 240, introduced by Brenden, T. Brown, Balyeat, Perry, Hinkle, Tutvedt, De. Barrett, Ripley, Brenden, Murphy, Gebhardt, Lewis, Bales, Barkus, J. Peterson, referred to State Administration.

SB 249, introduced by Curtiss, Ankney, Bennett, Curtiss, McGee, Shockley, Vincent, referred to Transportation.

SB 262, introduced by Wanzenried, referred to Local Government.

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 75 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

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

Total 23

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 170 passed as follows:

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

Total 76

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

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Total 23

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 192 passed as follows:

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

Total 55

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, French, Furey, Getz, 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 44

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

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

Total 93

Nays: Caferro, McAlpin, Phillips, Pomnichowski, Roundstone, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 223 passed as follows:

STATE INTERNET/BBS COPY

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Yeas: Arntzen, Augare, Barrett, 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, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

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

Total 27

Excused: None.

Total 0

Absent or not voting: Hiner, Stahl.

Total 2

HJR 7 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, 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, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Barrett, Boss Ribs, Hands, Henry, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sesso, Villa.

Total 10

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**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 Welborn in the chair.

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

STATE INTERNET/BBS COPY

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

HB 177 - Representative Kottel moved **HB 177** 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, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 208 - Representative O'Hara moved **HB 208** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. 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, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, 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, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: P. Beck, Caferro, Hands, Jopek, Malek, Roundstone, Wiseman.

Total 7

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 262 - Representative Ebinger moved **HB 262** 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, 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, Regier,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Kasten, Kerns, McGillvray, Randall, Stoker.

Total 5

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 269 - Representative Mehlhoff moved **HB 269** 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, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

HB 295 - Representative Menahan moved **HB 295** 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, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, 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, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 89

Nays: Boniek, Getz, Ingraham, Kerns, Mendenhall, More, Peterson, Roberts, Stoker, Wagner, Mr. Speaker.

Total 11

Excused: None.

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Total 0

Absent or not voting: None.

Total 0

HB 296 - Representative Menahan moved **HB 296** 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, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

HB 304 - Representative Campbell moved consideration of **HB 304** be passed for the day. Motion carried.

HB 315 - Representative Blewett moved **HB 315** 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, 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, 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, Mr. Speaker.

Total 96

Nays: Boniek, Henry, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Pomnichowski.

Total 1

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

HB 368 - Representative Fleming moved **HB 368** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, 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, 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, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall, More, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HB 311 - Representative Blasdel moved **HB 311** 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, 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, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, 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, Mr. Speaker.

Total 92

Nays: Brown, Kasten, Miller, More, Morgan, Peterson, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 39 - Representative Boss Ribs moved **SB 39** be concurred in. 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, Kasten, Klock, Kottel, 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, Regier, Reichner, Reinhart,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Butcher, Hawk, Howard, Kerns, Lake, McGillvray, Mendenhall, Sales, Stoker, Vance.

Total 11

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, 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, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: P. Beck, Butcher, Hawk, McGillvray, Miller, More, Randall, Van Dyk, Vincent.

Total 9

Excused: B. Beck, McAlpin, Nooney, Stahl.

Total 4

Absent or not voting: Welborn.

Total 1

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

2/7/2009

HB 108, introduced bill, be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 12.

Following: line 30

Insert: "NEW SECTION. Section 14. Termination. [This act] terminates June 30, 2015."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

NATURAL RESOURCES (Milburn, Chairman):
HB 140, introduced bill, be amended as follows:

2/7/2009

1. Page 1.

Following: line 24

Insert: "NEW SECTION. **Section 2. Federal funding for forest health concerns -- authorized expenditure.**

(1) There is an account in the federal special revenue fund into which must be deposited specific federal appropriations intended to address forest health concerns.

(2) The funds in the account may be used for the purposes of 77-5-216."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 270, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "ALLOWING PERMITS" on line 5 through "DISCRETIONARY;" on line 6

2. Page 2, line 25.

Strike: "may"

Insert: "must"

And, as amended, do pass. Report adopted.

HB 278, introduced bill, be amended as follows:

1. Page 2, line 12.

Strike: "20%"

Insert: "10%"

2. Page 2, line 17.

Strike: "20%"

Insert: "10%"

And, as amended, do pass. Report adopted.

MOTIONS

Representative Campbell moved **HB 262** be moved to Appropriations Committee. Motion carried.

Representative Campbell moved **HB 315** be moved to Appropriations Committee. Motion carried.

Representative Campbell moved **SB 39** be moved to the Appropriations Committee. Motion carried.

Representative Phillips moved to reconsider actions on **HB 289** and the bill be moved to the State Administration Committee for consideration of an amendment. Motion carried.

Representative Himmelberger moved **HB 18** be moved from State Administration and placed on 2nd reading. Motion requires a 3/5 majority vote of the House. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stoker, Taylor, Vance,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 7, 2009

Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 55

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Grinde, Hands, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McChesney, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 41

Excused: B. Beck, McAlpin, Nooney, Stahl.
Total 4

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 9, 2009. Motion carried.

House adjourned at 9:32 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House