

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

Helena, Montana
February 11, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Rep. Wilmer introduced Rabbi Ed Staffman who gave the invocation. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. McClafferty who was excused. Quorum present.

Rep. Pomnichowski announced that Rep. McClafferty is absent in order to attend the birth of her grandchild.

Mr. Speaker introduced that Havre High School Belles Voix Choir.

Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Choir members into the chamber.

Mr. Speaker thanked the Choir and wished them luck at their upcoming competition in Spokane.

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 71 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, 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, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, 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, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 85

Nays: Boniek, Brown, Butcher, Hawk, Kasten, Kerns, McGillvray, Mendenhall, More, Randall, Regier, Sales, Vance, Wagner, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 80 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 76

Nays: Bean, P. Beck, Blasdel, Boniek, Brown, Butcher, Driscoll, Hawk, Jones, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Villa, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HB 94 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, Mr. Speaker.

Total 99

Nays: Wiseman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 108 passed as follows:

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

Total 86

Nays: Bennett, Berry, Brown, Howard, Kerns, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Randall, Taylor, Wagner, Warburton.

Total 14

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 140 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 80

Nays: Barrett, Becker, Blewett, Boss Ribs, Caferro, Dickenson, Hands, Henry, Jopek, Kottel, MacDonald, Malek, McAlpin, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Van Dyk, Wilson, Wiseman.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 passed as follows:

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

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, 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, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 247 passed 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,

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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, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Mendenhall, Stoker.
Total 2

Excused: None.
Total 0

Absent or not voting: Arntzen.
Total 1

HB 270 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, More, Morgan, Randall, Regier, Sales, Sonju, Stoker, Vincent.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 95

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Nays: Kerns, Milburn, Stoker, Washburn, Wilson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, 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: Boniek, Brown, Kasten, Kerns, Morgan, Peterson, Sales, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 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, McGillvray, 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, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Kasten, Kerns, Mendenhall, Regier, Sales.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 374 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Pease-Lopez, Randall, Sales, Wagner, Warburton.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Rep. Sue Malek
1400 Prairie Way
Missoula, MT 59802

Dear Rep. Malek,

I am pleased to be able to appoint you as a commissioner of the Education Commission of the States pursuant to 20-2-502 MCA.

The term of each commissioner is four years and legislators serve until the expiration of their terms.

Sincerely,

Bob Bergren, Speaker
Montana House of Representatives.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 2/11/2009
HB 291, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 2/11/2009
HB 74, do pass. Report adopted.
HB 317, do pass. Report adopted.
HB 366, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/11/2009
HB 293, do pass. Report adopted.

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HB 340, do pass. Report adopted.

HB 345, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/11/2009

SB 71, introduced by Erickson

SB 83, introduced by Laible

SB 204, introduced by Moss

SB 243, 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:

2/11/2009

Yeas - 23

Nays - 27

SB 276, introduced by Squires

Senate joint resolution passed and transmitted to the House for concurrence: 2/11/2009

SJR 9, introduced by Gallus

MESSAGES FROM THE GOVERNOR

February 10, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Bergren:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Gebhardt, **Senate Bill 10** sponsored by Senator Perry, and **Senate Bill 11** sponsored by Senator J. Peterson on February 10, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 544, introduced by Vincent, Wilson, referred to Business and Labor.

HB 545, introduced by Vincent, Wilmer, referred to Local Government.

HB 546, introduced by Pomnichowski, referred to State Administration.

HB 547, introduced by McChesney, Stahl, referred to State Administration.

HB 548, introduced by McAlpin, A. Noonan, O'Hara, Fleming, Wilson, referred to Agriculture.

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HB 549, introduced by Dickenson, Becker, Boland, Campbell, Cohenour, Dickenson, Ebinger, French, Grinde, Hamilton, Henry, MacDonald, Malek, McAlpin, McClafferty, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Erickson, referred to Human Services.

HB 550, introduced by Sands, Juneau, Boss Ribs, Malek, Kaufmann, Caferro, Steenson, Stewart-Peregoy, Erickson, Pease-Lopez, Roundstone, Fleming, Boland, Belcourt, Wilmer, MacDonald, Driscoll, Grinde, Hamilton, McClafferty, Branae, Larsen, Jent, Ebinger, Williams, Hamlett, J. Tropila, Wanzenried, Windy Boy, Moss, referred to Appropriations.

HB 551, introduced by Getz, Larsen, Murphy, Shockley, Zinke, Butcher, Fleming, Getz, Jopek, Randall, Roundstone, referred to Agriculture.

HB 552, introduced by Mehlhoff, Jones, Blewett, referred to Judiciary.

HB 553, introduced by Howard, More, referred to State Administration.

HB 554, introduced by Howard, referred to Judiciary.

HB 555, introduced by Cohenour, Malek, Grinde, Campbell, Fleming, Hamilton, A. Noonan, referred to Education.

HB 556, introduced by MacLaren, referred to State Administration.

HB 557, introduced by Belcourt, referred to Natural Resources.

HB 558, introduced by McChesney, Ankney, Campbell, Getz, Hamilton, Hunter, McAlpin, Reinhart, referred to Fish, Wildlife and Parks.

HB 559, introduced by Himmelberger, referred to Fish, Wildlife and Parks.

HB 560, introduced by Cohenour, referred to Natural Resources.

HB 561, introduced by Cohenour, referred to Transportation.

HB 562, introduced by Cohenour, referred to Taxation.

HB 563, introduced by Kottel, referred to Transportation.

HB 564, introduced by Wagner, referred to Local Government.

HB 565, introduced by Furey, Fleming, Furey, Roberts, Hawks, Larsen, Shockley, Steinbeisser, Zinke, referred to Business and Labor.

HB 566, introduced by Jones, Windy Boy, Ankney, Sesso, Keane, referred to Federal Relations, Energy, and Telecommunications.

HB 567, introduced by Sonju, referred to Transportation.

HB 568, introduced by Roberts, referred to Business and Labor.

HB 569, introduced by Hands, Villa, referred to Appropriations.

HB 570, introduced by Berry, referred to State Administration.

HB 571, introduced by Reichner, referred to Business and Labor.

HB 572, introduced by Pomnichowski, Roundstone, Ankney, Gillan, Furey, Branae, Belcourt, Nooney, McAlpin, Fleming, Getz, Wiseman, Hawks, Wilmer, Moss, referred to Business and Labor.

HB 573, introduced by Pomnichowski, referred to Transportation.

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

HJR 21, introduced by D. Brown, referred to Fish, Wildlife and Parks.

HJR 22, introduced by O'Hara, Ankney, Augare, Bean, Blewett, Boland, Campbell, Cohenour, Ebinger, French, Getz, Grinde, Himmelberger, Hollandsworth, Jones, Kottel, Malek, Mehlhoff, Miller, Nooney, Sands, Smith, Van Dyk, Warburton, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Hamlett, Hansen, Hawks, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Murphy, J. Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, referred to State Administration.

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

SB 71, introduced by Erickson, referred to Natural Resources.

SB 83, introduced by Laible, referred to Human Services.

SB 204, introduced by Moss, Steinbeisser, referred to Agriculture.

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SB 243, introduced by Balyeat, Ankney, Arntzen, Bales, Barkus, De. Barrett, Bennett, Boniek, Brenden, T. Brown, Curtiss, Himmelberger, Jackson, Laible, McGillvray, McNutt, Murphy, Perry, K. Peterson, Randall, Ripley, Smith, Steinbeisser, Welborn, referred to State Administration.

SB 276, introduced by Squires, referred to State Administration.

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

SJR 9, introduced by Erickson, referred to Education.

Rep. Phillips requested a Democratic caucus for 10 minutes.

Rep. Menahan announced that the Republicans will stand at ease in the House chambers.

Mr. Speaker announced the House will stand at ease for 10 minutes at 1:25 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

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

HB 27 - Representative Wiseman moved **HB 27** do pass. Motion carried as follows:

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

Total 62

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: Regier.

Total 1

HB 63 - Representative Pomnichowski moved **HB 63** do pass. Motion **failed** as follows:

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

Total 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, 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, 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, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Becker, Boniek, Hawk, Kasten, Randall, Roundstone, Sales.

Total 7

Excused: None.

Total 0

Absent or not voting: Himmelberger, Washburn.

Total 2

HB 166 - Representative Menahan moved **HB 166** do pass. 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, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

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

Total 49

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 194 - Representative Mendenhall moved **HB 194** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, 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, 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 96

Nays: Augare, Boss Ribs, Dickenson, Mr. Speaker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 216 - Representative Menahan moved **HB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boniek, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman.
Total 75

Nays: Augare, Belcourt, Bennett, Boss Ribs, Brown, Butcher, Campbell, Glaser, Jones, Kasten, Kerns, Klock, Mendenhall, Miller, More, Pease-Lopez, Randall, Roundstone, Sales, Stoker, Vance, Vincent, Wagner, Washburn, Mr. Speaker.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 - Representative Hunter moved **HB 243** do pass.

HB 243 - Representative Hunter moved **HB 243**, second reading copy, be amended as follows:

1. Page 3.

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Following: line 5

Insert: "(4) The study and report must be completed within the budget approved for the department of public health and human services for the biennium beginning July 1, 2009."

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

Total 96

Nays: Brown, Regier, Washburn.

Total 3

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HB 243 - Representative Hunter moved **HB 243** as amended 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, 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, 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 94

Nays: Boniek, Hawk, Kerns, Regier, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 115 - Representative Cohenour moved **SB 115** 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,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, 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, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Ingraham, Kerns, Stahl, Wagner, Warburton.
Total 6

Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, 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, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Boniek, Hawk, Lake, Mendenhall, More, Sales, Sonju, Stahl, Vance, Vincent.
Total 10

Excused: McClafferty.
Total 1

Absent or not voting: Phillips, Randall.
Total 2

MOTIONS

Rep. Campbell moved that **HB 166** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 194** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 216** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 243** be moved to the Appropriations Committee.
Rep. Morgan objected to motion.
Rep. Campbell withdrew her last motion.

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SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 523** Motion carried.

HB 523 (Reinhart Chief Sponsor)

Representatives Hamilton, Hands, MacDonald, Malek, McAlpin, Pease-Lopez, Pomnichowski, Van Dyk and Senators Erickson, Juneau, Kaufmann.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 524** Motion carried.

HB 524 (Reinhart Chief Sponsor)

Representatives Boland, Cohenour, Fleming, Hamilton.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 234** Motion carried.

HB 534 (Campbell Chief Sponsor)

Representatives Kottel.

ANNOUNCEMENTS

Mr. Speaker announced that a transmittal agreement has been reached with the Senate.

All bills referred to the House Appropriations committee will be subject to the 67th day transmittal deadline in addition to any bills in other committees designated as appropriations bills.

All bills referred to the House Taxation committee will be subject to the 71st day transmittal deadline in addition to bills in all other committees designated as revenue bills.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, February 12, 2009. Motion carried.

House adjourned at 2:34 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House