

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

Helena, Montana  
February 16, 2009

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Rep. Augare asked for a moment of silence in honor of the Honorable Chair of Crowe Indian Nation. A moment of silence ensued, the following remarks were submitted to the journal.

Mr. Speaker, yesterday the Crowe Indian Nation and all of Big Sky Country suffered a great loss. Our souls ache for the loss of the Honorable Chairman of the Crowe Indian Nation, Carl Venne, a good and decent man and magnificent public servant.

Amid the darkness that has settled over Crowe Agency since Sunday morning, we have seen an outpouring of love from others across Montana.

The Montana American Indian Caucus of State Legislators and many of us in this body, too, stand ready to help in every way we can. Today, the Crowe nation itself is crying out in grief. Tomorrow, so many of our fellow citizens across Big Sky Country, so many of them very far from here, young and old, Indian and non, countless individuals whose names we will never know, will pray with us and remember Chairman Venne who lived his life for the good people of the Crowe Nation.

Chairman Venne was an extraordinary leader with a common touch. His dedication to the well-being of an average American Indian was unparalleled in our state. He believed that all of our citizens, no matter how humble their beginnings or difficult their plight, had an equal right to be happy, healthy, and full lives. He always made the time to hear the real needs of our people, and he always took the time to speak up for them wherever he traveled.

He taught us all by his example that American Indians and Montanans face challenges together. And he lived every moment of every day fighting to make the Crowe nation ever stronger, ever the beacon of opportunity for all of it's membership.

Carl, we will miss you. You leave an extraordinary legacy for thousands of Montanans to honor, to cherish and to carry on. Your outstanding contributions to the Crowe Nation, to Montana, and to the nation will always be remembered.

Mr. Speaker, on behalf of Representative Pease-Lopez and the tribal nations of our state, I request we honor this great man with a moment of silence.

Mr. Speaker introduced the pages for the week. Brittney Kuntz (Great Falls), Whitney McCurdy (Anaconda), Mara Menahan (Helena), Fred Nixon (Bozeman), Emma Sales (Bozeman), Patrick Smiley (Roberts), Karissa Walter-Nooney (Missoula), Alaine Field (Townsend).

Mr. Speaker asked Sgt.-at-Arms Tensley to escort the Box Elder School honored guests into the chambers. Rep. Belcourt introduced the Box Elder School who preformed for the House chambers.

Performers included:

Vicky Morning - High School; Shayla Beaumont - High School, Marquita Wright - 8th grade, Misty Baker - 6th grade Lance Begay - 5th grade, Andrea Meyers - 5th grade, Tyrah Stone - 5th grade, Jude The Boy - 5th grade, Micayela

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Helaire - 5th grade, Alicia McDowell - 5th grade, Jerrod Four Colors - 5th grade, Ennis Russell - 4th grade, Tia Russell - 4th grade, Tai Russell - 4th grade, Dave Nelson - Elementary Principle, Lisa Preeshl - Character Education, Karen Blackbird - Elementary Councilor, Kishey Baker - Cree Culture/Indian Educator.

Sgt.-at-Arms Tensley escorted the honored guests from the chambers.

**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 163** passed as follows:

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

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Himmelberger, Hoven, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 235** passed as follows:

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

Total 87

Nays: B. Beck, Berry, Hendrick, Himmelberger, Kasten, Mendenhall, Miller, Peterson, Reichner, Sales, Sonju, Taylor, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 288** 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, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, 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, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Caferro, Dickenson, Hamilton, Henry, Hollenbaugh, Pomnichowski, Wilmer.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 294** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, 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, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Butcher, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 324** 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,

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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 332** 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**COMMUNICATIONS AND PETITIONS**

The House Journals for Days 12 through 24 have been reviewed, signed and with the Secretary of State.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Wilson, Chairman):

2/16/2009

**HB 451**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "\$100,000"

**Insert:** "\$25,000"

2. Page 1, line 22.

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**Following:** "inspections"  
**Insert:** "and tests"

3. Page 1, line 25.  
**Following:** "inspections"  
**Insert:** "and tests"

4. Page 1, line 26 through line 27.  
**Following:** "necessary"  
**Strike:** "and" on line 26 through "project" on line 27

5. Page 2, line 11.  
**Following:** "inspections"  
**Insert:** "and tests"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Stoker, Chairman):  
**HB 301**, do pass. Report adopted.  
**HB 322**, introduced bill, be amended as follows:

2/16/2009

1. Title, line 6.  
**Following:** "INTEREST;"  
**Strike:** "AND"

2. Title, line 7.  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN APPLICABILITY DATES"

3. Page 1, lines 21 through line 24.  
**Strike:** subsection (b) in its entirety  
**Insert:** "(b) whether the person has been employed by a party to the arbitration proceeding within the last 5 years;"

4. Page 1, line 25.  
**Following:** "(c)(i)"  
**Insert:** "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or  
(B) beginning October 1, 2014,"

5. Page 2, line 2.  
**Following:** ";"  
**Insert:** "and"

6. Page 2, lines 3 and 4.  
**Strike:** "and" on line 3 through ";" on line 4

7. Page 2, line 5.  
**Following:** "(d)(i)"

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**Insert:** "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or  
(B) beginning October 1, 2014,"

8. Page 2, line 13.

**Following:** ";"

**Insert:** "and"

9. Page 2, line 15.

**Strike:** line 15 in its entirety

10. Page 2, lines 17 through 19.

**Strike:** "; and" on line 17 through "party" on line 19

**Insert:** "within the last 5 years"

11. Page 2, line 20.

**Strike:** "subsection (4)(c)(i)"

**Insert:** "subsection (4)(c) and (4)(d)"

12. Page 2.

**Following:** line 27

**Insert:** "(8) This section does not apply to:

(a) arbitration agreements that have been approved by the United States security and exchange commission pursuant to the Securities and Exchange Act of 1934; or

(b) arbitrations conducted by the Montana bar association's voluntary fee arbitration program."

13. Page 3, line 20.

**Strike:** "the"

**Insert:** "a material"

14. Page 3, line 21.

**Following:** the first "of"

**Insert:** "a material"

**Strike:** "1 year"

**Insert:** "90 days"

And, as amended, do pass. Report adopted.

**HB 407**, do pass. Report adopted.

**HB 427**, do pass. Report adopted.

**HR 2**, introduced resolution, be amended as follows:

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1. Page 1, line 16.

**Following:** "implement"

**Insert:** "research-based"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Himmelberger, Chairman):

2/16/2009

**HB 145**, introduced bill, be amended as follows:

1. Page 5, line 28.

**Strike:** "\$200"

**Insert:** "\$100"

2. Page 9.

**Following:** line 14

**Insert:** "NEW SECTION. Section 11. Contingent voidness. If money is not appropriated in a line item in House Bill No. 2 for the purposes of [this act], then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 475**, do pass. Report adopted.

**HB 509**, do pass. Report adopted.

**TRANSPORTATION** (Sonju, Chairman):

2/16/2009

**HB 356**, introduced bill, be amended as follows:

1. Page 2, line 6.

**Following:** "means"

**Insert:** ": (a)"

2. Page 2, line 7.

**Following:** "scales"

**Insert:** "; or"

3. Page 2, line 7.

**Following:** line 7

**Insert:** "(b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals and specifications"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/16/2009

**SB 150**, introduced by Brueggeman

**SB 167**, introduced by Zinke

**SB 269**, introduced by R. Brown

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**SB 283**, introduced by Erickson  
**SB 319**, introduced by Keane

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 616**, introduced by Furey, A. Noonan, P. Noonan, McClafferty, referred to Human Services.  
**HB 617**, introduced by Furey, Steenson, McClafferty, Fleming, A. Noonan, Hamilton, P. Noonan, referred to Appropriations.  
**HB 618**, introduced by Augare, referred to Business and Labor.  
**HB 619**, introduced by Jopek, referred to Appropriations.  
**HB 620**, introduced by Jopek, referred to Local Government.  
**HB 621**, introduced by Wilson, referred to Business and Labor.

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

**SB 150**, introduced by Brueggeman, referred to Business and Labor.  
**SB 167**, introduced by Zinke, referred to Agriculture.  
**SB 269**, introduced by R. Brown, referred to Business and Labor.  
**SB 283**, introduced by Erickson, De. Barrett, Lewis, referred to Transportation.  
**SB 319**, introduced by Keane, Ankney, Hendrick, Windy Boy, referred to Transportation.

**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 Hunter in the chair.

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

**HB 273** - Representative O'Hara moved **HB 273** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, 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, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Kasten, Sales, Wagner.

Total 3

Excused: None.

Total 0



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Absent or not voting: Mendenhall.  
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted.

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pommichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 82

Nays: Ankney, Hawk, More, Regier, Sales, Vance, Vincent, Wagner.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Arntzen, Bennett, Boniek, Butcher, Grinde, McClafferty, Mendenhall, Morgan, A. Noonan, Roberts.  
Total 10

Mr. Speaker directed Sgt.-at-Arms to escort our Honored guest President Abraham Lincoln into the House chambers in order to address the body.

Sgt.-at-Arms Tensley escorted the Honorable President Abraham Lincoln into the House chambers.

President Abraham Lincoln addressed the body, recounting historical events in his presidency.

Sgt.-at-Arms Tensley escorted the Honorable President Abraham Lincoln out of the House chambers.

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

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

**HB 308** - Representative Augare moved **HB 308** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pommichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 66

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Menahan, Mendenhall, Miller, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Vincent, Wagner, Washburn, Welborn.

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Total 33

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

**HB 321** - Representative Cohenour moved **HB 321** 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, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, 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 58

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.  
Total 40

Excused: None.

Total 0

Absent or not voting: Morgan, Stahl.

Total 2

**HB 372** - Representative Wilmer moved **HB 372** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.  
Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 384** - Representative Villa moved **HB 384** do pass. Motion carried as follows:

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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, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hendrick, Himmelberger, Ingraham, Kerns, Lake, MacDonald, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Washburn, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

**HB 387** - Representative Reichner moved **HB 387** 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, 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, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Hawk, Kasten, MacLaren, McClafferty, More, Peterson, Phillips, Sales, Washburn, Welborn, Wilmer.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 428** - Representative Pomnichowski moved **HB 428** do pass. Motion carried as follows:

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

Total 91

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Nays: Ankney, Hollandsworth, Mendenhall, More, Regier, Sales, Vance, Wagner.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Nooney.  
Total 1

**HJR 17** - Representative French moved **HJR 17** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 78

Nays: Ankney, Bennett, Berry, Boniek, Brown, Hawk, Himmelberger, Hoven, Kasten, Kerns, Lake, Mendenhall, Milburn, Regier, Roberts, Sales, Sonju, Stoker, Taylor, Vincent, Wagner.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Nooney.  
Total 1

**HB 397** - Representative Kottel moved **HB 397** 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, 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 99

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Pomnichowski.  
Total 1

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**HB 403** - Representative Kottel moved **HB 403** do pass. Motion **failed** 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, 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 98

Nays: Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

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

Yeas: 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, 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, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Hawk, Hendrick, Himmelberger, Mendenhall, More, Sales, Sonju.

Total 7

Excused: None.

Total 0

Absent or not voting: Ankney, Howard, Hunter, Morgan, Vincent.

Total 5

**ANNOUNCEMENTS**

Rep. Sesso announced and described the Appropriations Committee priority spending sheet.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, February 17, 2009. Motion

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carried.

House adjourned at 2:22 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House