

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

Helena, Montana  
February 17, 2009

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Noonan, Chairman): 2/17/2009  
**HB 161**, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 2/17/2009  
**HB 85**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.  
**Strike:** "PUBLIC" on line 7 through "SERVICES" on line 8  
**Insert:** "TRANSPORTATION"
2. Title, page 1, line 9.  
**Strike:** "CONSOLIDATING AND"
3. Title, page 1, line 10 through line 11.  
**Strike:** "REPEALING" on line 10 through "MCA;" on line 11
4. Page 2, lines 5 through 11.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsections
5. Page 2, line 13.  
**Strike:** "public health and human services"  
**Insert:** "transportation"  
**Strike:** "2-15-2201"  
**Insert:** "2-15-2501"
6. Page 2, line 22 through line 30.  
**Strike:** subsection (9) through subsection (12) in their entirety  
**Renumber:** subsequent subsections
7. Page 3, line 5 through line 9.  
**Strike:** subsection (14) in its entirety  
**Renumber:** subsequent subsections
8. Page 3, line 17 through page 4, line 10.  
**Strike:** subsection (17) through subsection (25) in their entirety  
**Renumber:** subsequent subsections
9. Page 5.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

**Following:** line 15

**Insert:** "(a) one member of the department;"

**Renumber:** subsequent subsections

10. Page 5, line 16.

**Strike:** "department's"

**Insert:** "department of public health and human service's"

11. Page 5, line 18.

**Following:** "department"

**Insert:** "of public health and human services"

12. Page 8, line 27 through line 28.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

13. Page 8, line 30.

**Strike:** "(1)"

**Strike:** "and 3"

14. Page 9, line 1.

**Following:** "part of"

**Strike:** "Title 50, chapter 6,"

**Insert:** "Title 61, chapter 2,"

**Following:** "provisions of"

**Strike:** "Title 50, chapter 6,"

**Insert:** "Title 61, chapter 2,"

15. Page 9, line 2.

**Strike:** "and 3"

16. Page 9, line 3 through line 4.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 394**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "7"

**Insert:** "6"

2. Page 1.

**Following:** line 23

**Insert:** "(1) "Device" means any instrument, apparatus, or contrivance intended:

(a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans; or

(b) to affect the structure or any function of the human body."

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

**Renumber:** subsequent subsections

3. Page 2.

**Following:** line 8

**Insert:** "(4) "Patient" means an individual who receives or has received health care.

(5) "Prescriber" means a medical practitioner, as defined in 37-2-101, licensed under the professional laws of this state to administer and prescribe medicine and drugs.

(6) "Prescription drug" means any drug that is required by federal law or regulation to be dispensed only by a prescription subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353).

(7) "Prescription drug order" has the meaning provided in 37-7-101."

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "(3)"

**Insert:** "(a)"

5. Page 2.

**Following:** line 20

**Insert:** "(b) Nonmarketing purposes include but are not limited to:

(i) efforts by a health plan or benefits management program to ensure compliance with an independently established formulary based on evidence-based prescribing guidelines and cost containment goals;

(ii) educational or quality assurance programs designed for individuals covered by a health plan or benefits management program;

(iii) communication by a pharmacist about issues related to patient safety, generic substitution, or questions from a patient about a prescription drug; or

(iv) any communication about safety warnings, adverse event reporting, labeling changes, or compliance with federal risk evaluation and mitigation strategies."

6. Page 2, line 30.

**Strike:** "7"

**Insert:** "6"

7. Page 3, line 10.

**Strike:** "7"

**Insert:** "6"

8. Page 3, line 11.

**Strike:** "7"

**Insert:** "6"

**Strike:** "an administrative"

**Insert:** "a civil"

9. Page 3, line 12.

**Strike:** ", as assessed by the department"

10. Page 3.

**Following:** line 13

**Insert:** "(3) An agency that regulates, licenses, certifies, or registers a person who knowingly fails to comply with the requirements of [sections 1 through 7] may seek administrative relief as provided by law."

**Renumber:** subsequent subsection

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

11. Page 3, line 14.

**Strike:** "7"

**Insert:** "6"

12. Page 3, line 18 through line 19.

**Strike:** section 5 in its entirety

**ReNUMBER:** subsequent sections

13. Page 3, line 22.

**Strike:** "7"

**Insert:** "6"

14. Page 3, line 26.

**Strike:** "7"

**Insert:** "6"

15. Page 5, line 2.

**Strike:** "7"

**Insert:** "6"

16. Page 6, line 1.

**Strike:** "7"

**Insert:** "6"

17. Page 6, line 17.

**Strike:** "7"

**Insert:** "6"

18. Page 6, line 30.

**Strike:** "7"

**Insert:** "6"

19. Page 7, line 26.

**Strike:** "7"

**Insert:** "6"

20. Page 8, line 6.

**Strike:** "7"

**Insert:** "6"

21. Page 8, line 8.

**Strike:** "7"

**Insert:** "6"

22. Page 8, line 9.

**Strike:** "Title 37, chapter 7, part 4," and "Title 37, chapter 7,"

**Insert:** "Title 50, chapter 4," in two places

23. Page 8, line 10.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

**Strike:** "7"  
**Insert:** "6"

24. Page 8, line 16.  
**Strike:** "10"  
**Insert:** "9"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Stoker, Chairman):  
**HB 401**, introduced bill, be amended as follows:

2/17/2009

1. Page 1, line 20.  
**Strike:** "or"  
**Insert:** ", "

2. Page 1, lines 21 and 22.  
**Following:** "~~vehicle~~," on line 21  
**Insert:** "or recreational vehicle"  
**Following:** "time" on line 21  
**Strike:** "; or" on line 21 through "vehicle" on line 22

3. Page 2, line 3.  
**Strike:** "use, presence, or"

4. Page 2, line 25.  
**Strike:** "presence,"

5. Page 4, line 19.  
**Following:** "from"  
**Insert:** "fees collected pursuant to 75-10-1304, from"  
**Following:** "[section 4]"  
**Insert:** ", "

And, as amended, do pass. Report adopted.

**HJR 14**, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Arntzen, Chairman):  
**HB 404**, do pass. Report adopted.

2/17/2009

MESSAGES FROM THE SENATE

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

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

2/17/2009

**SB 21**, introduced by Story  
**SB 119**, introduced by Esp  
**SB 142**, introduced by Perry  
**SB 174**, introduced by Perry  
**SB 280**, introduced by Gebhardt

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 622**, introduced by Himmelberger, referred to State Administration.  
**HB 623**, introduced by Milburn, referred to Local Government.  
**HB 624**, introduced by More, Hinkle, Boniek, Balyeat, Smith, referred to Taxation.

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

**HJR 27**, introduced by Wilmer, Hands, Juneau, Grinde, Boss Ribs, Malek, Roundstone, Steenson, Phillips, McAlpin, Belcourt, Campbell, referred to State Administration.

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

**SB 21**, introduced by Story, referred to Transportation.  
**SB 119**, introduced by Esp, referred to Human Services.  
**SB 142**, introduced by Perry, referred to Business and Labor.  
**SB 174**, introduced by Perry, referred to Business and Labor.  
**SB 280**, introduced by Gebhardt, referred to Taxation.

**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 Lake in the chair.

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

**HB 306** - Representative Morgan moved **HB 306** 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, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Nays: Dickenson, Kasten, Kerns, Regier, Wagner.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 338** - Representative Ankney moved **HB 338** 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, 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, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 94

Nays: Butcher, Kasten, Sales, Sonju, Wagner.  
Total 5

Excused: None.  
Total 0

Absent or not voting: O'Hara.  
Total 1

**HB 343** - Representative A. Noonan moved **HB 343** 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, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, 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, 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 88

Nays: Becker, Boniek, Caferro, Dickenson, Hands, Hendrick, Howard, Jopek, Kasten, MacDonald, Reinhart, Wiseman.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Total 0

**HB 179** - Representative Villa moved **HB 179** 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, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Brown, Hendrick, Howard, Kasten, Mendenhall, Milburn, Miller, Randall, Sales, Taylor, Vincent, Washburn.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 356** - Representative Wagner moved **HB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 77

Nays: B. Beck, Caferro, Cohenour, Dickenson, Driscoll, French, Hawk, Hendrick, Kottel, McChesney, McClafferty, McNutt, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Regier, Sales, Sesso, Steenson, Mr. Speaker.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 380** - Representative Stahl moved **HB 380** 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, 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,



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

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 99

Nays: Campbell.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 382** - Representative Hamilton moved **HB 382** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Barrett, Brown, Caferro, Driscoll, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Jones, Kerns, Malek, Mendenhall, Morgan, Peterson, Pomnichowski, Roberts, Vance, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

**HB 301** - Representative Kottel moved **HB 301** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Berry, Blasdel, Brown, Caferro, Fleming, Howard, Ingraham, Lake, Mendenhall, Miller, Pomnichowski, Regier, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Total 27

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

**HB 383** - Representative Arntzen moved **HB 383** 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, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Hoven, Kerns, Malek, More, Peterson, Regier, Stoker, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 426** - Representative Milburn moved **HB 426** do pass. Motion carried as follows:

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

Total 96

Nays: Berry, MacLaren, O'Hara.

Total 3

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

**HJR 13** - Representative Hands moved **HJR 13** be adopted. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, 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, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

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

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Arntzen, Augare, Barrett, Bean, B. 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, 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, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 79

Nays: P. Beck, Blasdel, Hawk, Hendrick, Himmelberger, Kasten, McGillvray, Mendenhall, More, Randall, Regier, Sales, Sesso, Smith, Stahl, Vance, Vincent, Welborn, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: Ankney, Lake.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 273** passed as follows:

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

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

Total 97

Nays: Mendenhall, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

**HB 308** passed as follows:

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

Total 69

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

Total 30

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

**HB 321** passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, 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 57

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Glaser, Hawk, Hendrick, Himmelberger,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Butcher.  
Total 1

**HB 372** passed 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, Hoven, Howard, Hunter, 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, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 384** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, 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, Taylor, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacDonald, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton, Washburn, Welborn.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Total 0

**HB 387** 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

**HB 397** 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

**HB 403** 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,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

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, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 428** 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, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Boniek, Hollandsworth, Kerns, Mendenhall, Miller, More, Regier, Sales, Vance, Wagner, Welborn.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 17** adopted as follows:

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

Total 85

Nays: Berry, Boniek, Brown, Hawk, Hoven, Howard, Kerns, Milburn, Miller, Morgan, Regier, Roberts, Smith,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 17, 2009

Vincent, Welborn.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Campbell moved that **HJR 23** be moved to the Federal Relations, Energy & Telecommunications Committee. Motion carried.

Rep. Campbell moved that **HB 306** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 356** be moved to the Appropriations Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **SB 498** Motion carried.

**HB 498** (French; Chief Sponsor)  
Representatives Brenden.

**HB 499** (French; Chief Sponsor)  
Representatives Brenden.

**ANNOUNCEMENTS**

Mr. Speaker announced that "we are still getting bills introduced today. By turning them in this late when committees are already over booked, you will not be guaranteed a hearing on your bill"

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 18, 2009. Motion carried.

House adjourned at 2:22 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House