

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

Helena, Montana  
February 19, 2009

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Rep. Wilson announced that it was Rep. Mehlhoff's birthday yesterday, Rep. Wilson led the chambers in singing happy birthday for Rep. Mehlhoff.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Sesso, Chairman): 2/19/2009  
**HB 194**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 3.

**Following:** line 16

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates June 30, 2019."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Wilson, Chairman): 2/19/2009  
**HB 408**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

**Strike:** ", VOLUNTEER" on line 5 through "OFFICERS" on line 6

2. Page 1, line 10.

**Strike:** ", volunteers" through "officers"

3. Page 1, line 19 through line 20.

**Strike:** "and peace" on line 19 through "officers" on line 20

4. Page 3, line 13 through line 14.

**Strike:** subsection (12) in its entirety

**ReNUMBER:** subsequent subsections

5. Page 4, line 18.

**Strike:** subsection (25) in its entirety

**ReNUMBER:** subsequent subsections

6. Page 4, line 30 through page 5, line 1.

**Strike:** "volunteer" on page 4, line 30 through "officer" on page 5, line 1

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7. Page 5, line 21.

**Strike:** "(33)"

**Insert:** "(31)"

8. Page 6, line 23.

**Strike:** "(40)(a)"

**Insert:** "(38)(a)"

9. Page 6, line 28.

**Strike:** "(40)(a)"

**Insert:** "(38)(a)"

**Strike:** "(40)(e)"

**Insert:** "(38)(e)"

10. Page 7, line 6.

**Strike:** ", volunteer" through "officer"

11. Page 7, line 17 through line 18.

**Strike:** ", volunteer" on line 17 through "officer" on line 18

12. Page 7, line 22 through line 23.

**Strike:** ", volunteer" on line 22 through "officer" on line 23

13. Page 8, line 23.

**Strike:** ", volunteer" through "officers"

And, as amended, do pass. Report adopted.

**HB 417**, introduced bill, be amended as follows:

1. Page 7, line 20 through line 21.

**Strike:** "The" on line 20 through "to" on line 21

**Insert:** "A home inspector may not"

2. Page 7, line 22.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 7, following line 22.

**Insert:** "(b) perform any work or provide any service for which another professional license is required unless the home inspector possesses that other license; or

(c) act as an energy star verifier or a green building verifier accredited by the national association of home builders unless the home inspector is qualified to act in that capacity;"

And, as amended, do pass. Report adopted.

**HB 542**, introduced bill, be amended as follows:

1. Page 2, line 27.

**Following:** "a motor-driven cycle as defined in 61-1-101,"

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**Insert:** "an off-highway vehicle as defined in 61-1-101,"

2. Page 6, line 27.

**Strike:** "or"

**Insert:** "(s) refuse to allocate, sell, or deliver motorsports vehicles, may not charge back or withhold payments or other things of value for which the motorsports dealer is otherwise eligible under a sales promotion, program, or contest, and may not prevent the motorsports dealer from participating in any promotion, program, or contest based on the motorsports dealer's selling of a motorsports vehicle to a customer who was present at the dealership if the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country. There is a rebuttable presumption that the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country if the motorsports vehicle is titled in the United States."

**Renumber:** subsequent subsection

3. Page 10, line 30.

**Strike:** "or"

4. Page 11, line 1 through line 2.

**Following:** "(i)"

**Strike:** "offer" on line 1 through "unless" on line 2

**Insert:** "offer a program where a Montana motorsports dealer would be eligible for a benefit or advantage that lowers the actual price of a motorsports vehicle, part, or accessory only if the motorsports dealer purchases from the motorsports manufacturer a quantity of motorsports vehicles, parts, or accessories as determined by the motorsports manufacturer unless"

5. Page 11, line 3.

**Following:** "agrees"

**Strike:** "to the sales goal or objective"

**Following:** "writing"

**Insert:** "to the quantity of motorsports vehicles, parts, or accessories to be purchased as determined by the motorsports manufacturer"

6. Page 11, line 4.

**Following:** "(B) the"

**Strike:** "sales goal or objective"

**Insert:** "quantity determined by the motorsports manufacturer"

7. Page 11, line 8 through line 9.

**Strike:** "that" on line 8 through "equitable" on line 9

8. Page 11, following line 15.

**Insert:** "(u) refuse to allocate, sell, or deliver motorsports vehicles, may not charge back or withhold payments or other things of value for which the motorsports dealer is otherwise eligible under a sales promotion, program, or contest, and may not prevent the motorsports dealer from participating in any promotion, program, or contest based on the motorsports dealer's selling of a motorsports vehicle to a customer who was present at the dealership if the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country. There is a rebuttable presumption that the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country if the motorsports vehicle is titled in the United States."

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9. Page 12, line 28.

**Strike:** "franchise agreements that are entered into or renewed"

**Insert:** "transactions that occur"

10. Page 12, line 29.

**Strike:** "act"

**Insert:** "section"

And, as amended, do pass. Report adopted.

**HB 544**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "THAT"

**Strike:** "AN"

**Insert:** "A DISABILITY"

2. Title, line 6.

**Following:** "ADVANCE;"

**Strike:** "AND"

**Following:** "REQUIRING THE"

**Insert:** "DISABILITY"

3. Title, line 7.

**Following:** "INSURED"

**Insert:** "; AND CREATING AN EXCEPTION FOR CERTAIN SHORT-TERM DISABILITY POLICIES"

4. Page 1, line 12.

**Following:** "to any"

**Insert:** "disability"

**Following:** "coverage, the"

**Insert:** "disability"

5. Page 1, line 13.

**Following:** "The"

**Insert:** "disability"

6. Page 1, line 14.

**Following:** "."

**Insert:** "This section does not apply to a short-term disability policy that has a duration of 6 months or less."

7. Page 1, line 17.

**Following:** "part of Title 33,"

**Strike:** "chapter 18, part 2"

**Insert:** "chapter 22, part 1"

**Following:** "provisions of Title 33,"

**Strike:** "chapter 18, part 2"

**Insert:** "chapter 22, part 1"

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And, as amended, do pass. Report adopted.

**HB 565**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AND OTHER COSTS"

**Insert:** "FOR 6 MONTHS THAT WOULD"

2. Title, line 6.

**Following:** "OTHERWISE"

**Insert:** "BE"

3. Page 1, line 19.

**Following:** "reimburse"

**Strike:** "any enrollment fees,"

**Following:** "premiums"

**Strike:** ", "

4. Page 1, line 20.

**Strike:** "deductibles, cost-sharing expenses, copayments, or other expenses that would otherwise have to"

**Insert:** "for 6 months that would otherwise"

5. Page 2, line 2.

**Following:** "select"

**Insert:** "on or after July 1, 2009"

6. Page 2, line 30 through page 3, line 1.

**Strike:** "enrollment" on page 2, line 30 through "expenses" on page 3, line 1

**Strike:** "premiums"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Arntzen, Chairman):

2/19/2009

**HB 420**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "MAY ADOPT"

**Insert:** "INCENTIVE-BASED"

2. Title, line 6.

**Following:** "PROVIDING THAT THE"

**Insert:** "INCENTIVE-BASED"

3. Page 2, line 21.

**Following:** "(6)"

**Insert:** "(a)"

4. Page 2, line 22.

**Following:** "new construction"

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**Insert:** "based on providing incentives to encourage voluntary energy conservation"

**Following:** "The"

**Insert:** "incentive-based"

5. Page 2, line 24.

**Following:** line 23

**Insert:** "(b) New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

6. Page 4, line 21.

**Following:** "construction"

**Insert:** "based on providing incentives to encourage voluntary energy conservation"

**Following:** "The"

**Insert:** "incentive-based"

7. Page 4, line 22.

**Following:** "code."

**Insert:** "New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

8. Page 5, line 17.

**Following:** "construction"

**Insert:** "based on providing incentives to encourage voluntary energy conservation"

**Following:** "The"

**Insert:** "incentive-based"

9. Page 5, line 18.

**Following:** "code."

**Insert:** "New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

10. Page 6, line 17.

**Following:** "construction if"

**Strike:** " "

**Insert:** ":

(a) "

11. Page 6, line 19.

**Following:** "construction"

**Insert:** "based on providing incentives to encourage voluntary energy conservation; and  
(b) the building contractor elected to receive a local incentive"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/19/2009

HB 546, do pass. Report adopted.

HJR 22, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/19/2009

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**HB 279**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "CERTAIN PROGRAMS" on line 5 through "THE DEPARTMENT" on line 6

**Insert:** "THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM"

2. Page 1, line 11.

**Strike:** "exemptions"

**Insert:** "exemption"

3. Page 1, line 18.

**Strike:** "following programs financed by federal funds:"

4. Page 1, line 19.

**Strike:** "(a)"

**Strike:** "1"

5. Page 1, line 20 through line 21.

**Strike:** "(b)" on line 20 through "program-urban" on line 21

And, as amended, do pass. Report adopted.

**HB 472**, do pass. Report adopted.

**HB 531**, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Following:** "(1) A"

**Insert:** "directly affected"

2. Page 1, line 20.

**Following:** "(2) The"

**Insert:** "directly affected"

3. Page 1, line 29.

**Following:** line 28

**Insert:** "(4) The court shall provide notice to affected landowners before recognizing or declining to recognize a route of a county road as the legal route."

And, as amended, do pass. Report adopted.

**HB 567**, introduced bill, be amended as follows:

1. Page 1, lines 29 and 30.

**Strike:** ", new requirements" on line 29 through "new rules" on line 30

2. Page 6, line 11.

**Following:** "vehicles,"

**Insert:** "may not penalize a dealer,"

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3. Page 9, line 19.

**Following:** "agreement"

**Insert:** "pursuant to subsection (8)"

4. Page 9, line 20.

**Following:** "franchisee"

**Insert:** "or another new motor vehicle dealer of the franchisor in the area"

5. Page 9, line 26.

**Following:** "franchisee"

**Insert:** "whose agreement is terminated, canceled, or not renewed pursuant to subsection (8)"

6. Page 10, line 3.

**Following:** "agreement"

**Insert:** "pursuant to subsection (8)"

7. Page 14, line 18.

**Following:** "If any new motor vehicle dealer"

**Strike:** ", proposed new motor vehicle dealer,"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/19/2009

**SB 51**, introduced by Murphy

**SB 213**, introduced by Bales

**SB 248**, introduced by Brueggeman

**SB 271**, introduced by Squires

**SB 331**, introduced by Balyeat

**SB 335**, introduced by Balyeat

**SB 336**, introduced by Balyeat

**SB 344**, introduced by J. Peterson

**SB 376**, introduced by Black

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/19/2009

**SJR 19**, introduced by J. Peterson

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 631**, introduced by Blewett, referred to Taxation.

**HB 632**, introduced by Hollenbaugh, Mehlhoff, Ankney, Jones, referred to Appropriations.

**HB 633**, introduced by Butcher, Sales, Randall, Himmelberger, Hendrick, Blasdel, Vincent, Stahl, B. Beck, Regier, Sonju, Boniek, McGillvray, Taylor, Bennett, Vance, Nooney, Smith, Reichner, referred to Business and Labor.

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

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**SB 51**, introduced by Murphy, referred to Human Services.

**SB 213**, introduced by Bales, referred to Fish, Wildlife and Parks.

**SB 248**, introduced by Brueggeman, Ankney, Brueggeman, Furey, Lewis, J. Tropila, Zinke, referred to Education.

**SB 271**, introduced by Squires, Arntzen, Gillan, Perry, Stahl, Villa, Wilson, referred to Business and Labor.

**SB 331**, introduced by Balyeat, Ankney, Bales, Barkus, De. Barrett, Brenden, R. Brown, T. Brown, Curtiss, Erickson, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laslovich, Lewis, McGee, Perry, Steinbeisser, J. Tropila, Wanzenried, Windy Boy, Zinke, referred to State Administration.

**SB 335**, introduced by Balyeat, Ankney, Barkus, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Perry, Ripley, Steinbeisser, Windy Boy, referred to Business and Labor.

**SB 336**, introduced by Balyeat, Ankney, Gebhardt, Hinkle, Jackson, Steinbeisser, Story, Windy Boy, referred to Fish, Wildlife and Parks.

**SB 344**, introduced by J. Peterson, Ankney, Bales, Balyeat, De. Barrett, Brenden, T. Brown, Brueggeman, Gebhardt, Lewis, J. Peterson, Ripley, Stahl, Steinbeisser, Tutvedt, referred to Fish, Wildlife and Parks.

**SB 376**, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.

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

**SJR 19**, introduced by J. Peterson, Bales, De. Barrett, Brenden, T. Brown, Brueggeman, Gebhardt, Lewis, Ripley, Stahl, Steinbeisser, Zinke, referred to Fish, Wildlife and Parks.

Rep. Mendenhall announced that the House Republicans will caucus for 10 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will stand at ease for 10 minutes at 1:08 p.m.

Mr. Speaker called the House to order at 1:21 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 Boniek in the chair.

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

**HB 34** - Representative Wilmer moved **HB 34** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, 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, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: B. Beck, Boniek, Howard, Mendenhall, Morgan, Randall, Reichner, Sales, Smith, Sonju, Stahl, Vance, Wagner.

Total 13

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Excused: None.  
Total 0

Absent or not voting: Pease-Lopez.  
Total 1

**HB 42** - Representative Vincent moved **HB 42** 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, 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: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Pease-Lopez.  
Total 1

**HB 171** - Representative Augare moved **HB 171** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, 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 95

Nays: Caferro.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Blasdel, Boniek, McChesney, Pease-Lopez.  
Total 4

**HB 204** - Representaive Ebinger moved **HB 204** do pass. Motion carried as follows:

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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, 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, 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 96

Nays: Berry, Regier, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

**HB 357** - Representative Berry moved **HB 357** 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, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, 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 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mendenhall, Pease-Lopez.

Total 2

**HB 477** - Representative Menahan moved **HB 477** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, 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, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

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

Total 97

Nays: Boniek.

Total 1

Excused: None.

Total 0

Absent or not voting: MacLaren, Pease-Lopez.

Total 2

**HB 495** - Representative Arntzen moved **HB 495** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Bennett, Berry, Brown, Hawk, Hollandsworth, Kasten, Lake, Mendenhall, More, Randall, Regier, Roberts, Sales, Sonju, Stoker, Vance, Warburton, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

**HB 533** - Representative Taylor moved **HB 533** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Wilson.

Total 79

Nays: Augare, Belcourt, Boss Ribs, Caferro, Campbell, Hands, Henry, Hiner, Ingraham, Jopek, Kottel, A. Noonan, Stahl, Steenson, Villa, Wagner, Warburton, Wilmer, Wiseman, Mr. Speaker.

Total 20

Excused: None.

Total 0

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Absent or not voting: Pease-Lopez.  
Total 1

**HJR 15** - Representative Milburn moved **HJR 15** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Stenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.  
Total 86

Nays: Bean, Butcher, Hawk, Kasten, Kerns, Lake, Miller, Peterson, Sales, Sonju, Stoker, Wagner, Mr. Speaker.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Pease-Lopez.  
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Boniek 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, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 90

Nays: Vincent.  
Total 1

Excused: Roundstone.  
Total 1

Absent or not voting: Boniek, Howard, Miller, Morgan, A. Noonan, Pease-Lopez, Stahl, Van Dyk.  
Total 8

**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:

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**HB 322** 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, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 95

Nays: Mendenhall, Sales, Wagner.  
Total 3

Excused: Roundstone.  
Total 1

Absent or not voting: Pease-Lopez.  
Total 1

**HB 404** passed as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 73

Nays: Ankney, Bean, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Kasten, Lake, McGillvray, Miller, Morgan, Nooney, Randall, Regier, Sales, Smith, Sonju, Taylor, Wagner, Warburton, Welborn.  
Total 24

Excused: Roundstone.  
Total 1

Absent or not voting: McChesney, Pease-Lopez.  
Total 2

**HB 407** 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, 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, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

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

Total 97

Nays: None.

Total 0

Excused: Roundstone.

Total 1

Absent or not voting: Hoven, Pease-Lopez.

Total 2

**HB 475** passed as follows:

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

Total 53

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

Total 43

Excused: Roundstone.

Total 1

Absent or not voting: McNutt, Pease-Lopez, Peterson.

Total 3

**HB 509** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 91

Nays: Bennett, Jopek, Phillips, Pomnichowski, Villa, Mr. Speaker.

Total 6

Excused: Roundstone.

Total 1

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Absent or not voting: McGillvray, Pease-Lopez.  
Total 2

**MOTIONS**

Rep. Campbell moved that **HB 246** be moved to the Appropriations committee. Motion carried.  
Rep. Campbell moved that **HB 451** be moved to the Business and Labor committee. Motion carried.  
Rep. Campbell moved that **HB 42** 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 **HB 538**. Motion carried.

**HB 538** (Steenson Chief Sponsor)  
Representatives Furey.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, February 20, 2009. Motion carried.

House adjourned at 2:04 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House