

**HOUSE JOURNAL  
61ST LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 19, 2009

House Chambers  
State Capitol

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

Roll Call. All members present except Representative McClafferty, excused. Quorum present.

Rep. Noonan told a story to commemorate Charlie Russell's birthday and told the following story:

About 30 years ago, I was a proof-reader for the House, and at that same time the legislature commissioned an artist to clean the Charlie Russell painting, with a tiny que-tip like brush. I would watch her at lunch slowly clean the painting in one inch by one inch squares. I commented to the artist about how the colors were beginning to really show after she cleaned it. She said that it's important to see the pastel colors because Russell was not a realist but an impressionist, and he painted with light. In this picture the sun is rising and the sun is setting at the same time, he wanted to show both at the same time. This picture was painted from the view of the tribes, depicting the sun setting on their historical way of life. While this meeting with Lewis and Clark seemed like a small event in their lives it ultimately had huge significance. Russell wanted to remind us of the same here in the legislature and how our decisions may seem small but they can have a huge significance later on. The only figure in the painting that breaks the flow of the painting is the wolf, the wolf reminds us that we may not realize the significance of the decisions we make, but the wolf is always at the door.

**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 4** passed as follows:

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

Total 83

Nays: Bennett, Boniek, Brown, Hendrick, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Taylor, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 39** passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 81

Nays: Blasdel, Boniek, Brown, Howard, Kasten, Kerns, Mendenhall, More, Peterson, Randall, Sales, Smith, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Pease-Lopez.  
Total 1

**HB 179** passed as follows:

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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 79

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Kasten, Kerns, Mendenhall, Milburn, Miller, More, Morgan, Randall, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 216** passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, 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, 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, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 82

Nays: Augare, Bennett, Boniek, Brown, Caferro, Campbell, Jones, Kerns, Klock, Mendenhall, Miller, More, Randall, Sales, Stahl, Vance, Wagner, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

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, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Caferro, Henry, Pomnichowski, Wilmer.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 416** passed as follows:

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

Total 71

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 29

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 478** 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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Hawk, Kasten, Kerns, Mendenhall, Peterson, Sales, Taylor, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 216** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, 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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, 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 89

Nays: Bennett, Blasdel, Boniek, Brown, Kasten, Kerns, Mendenhall, Randall, Sales, Sonju, Vincent.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Campbell moved to appoint a committee to escort Councilor General of Canada Dale Eisler into the House chambers to address the body. Mr. Speaker appointed Representative Malek and Representative Milburn.

Ast.-Sgt.-at-Arms Lane introduced the Honorable Canadian Councilor Dale Eisler to the House.

Mr. speaker directed the Ast.-Sgt.-at-Arms Lane and the committee escort the Councilor into the House Chambers.

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Mr. speaker introduced the Honorable Dale Eisler, the Canadian Councilor to the Body.

Councilor Dale Eisler addressed the body.

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Thank you Mr. Speaker for that introduction and thank all of you for giving me the opportunity to speak briefly to you today.

I would also like to express my gratitude to Lt-Gov John Bohlinger for helping to facilitate the invitation, Senator Dave Wanzenried, who first raised the idea with me more than a year ago, and Representative Julie French for her help.

As a Canadian prairie boy, born and raised in Saskatchewan – in fact my family lived in the farming and ranching community of Mankota, which is about 20 miles from the Montana border – having the invitation to speak to you means a great deal to me.

I've always felt that Montana is a special place. In fact, when we lived in Saskatchewan, my wife Louise and our daughter always loved coming to Montana. Whether weekend getaways to Plentywood, where we would have a great steak dinner at the Blue Moon Supper Club, longer trips to the mountains of Whitefish or Big Sky, or taking in the Sweet Pea Festival in Bozeman, this state and its people have long had a powerful hold on me.

The combination of Montana's breadth, the scale of its geography, its stunning natural beauty and the warmth of its people make it truly one of the finest places on earth.

I still vividly remember one night when we were taking a long weekend holiday to Billings. Driving down from Regina, we were heading west on the Interstate between Glendive and Miles City. It was one of those idyllic, peaceful, cloudless late-spring nights. As we drove, I noticed how the inky night sky seemed illuminated with thousands of tiny diamonds. It was such an incredible sight that I pulled the car over to the side of the highway so that we could get out and gaze in wonderment at the star-filled Montana night sky.

Those sorts of moments have an indelible effect on you and have shaped my appreciation for your wonderful state.

The links between Montana and Canada are many and multi-layered. Just as Canada and the United State share the most important relationship between any two nations in the world, so too does Montana with its bordering provinces of Saskatchewan, Alberta and British Columbia.

Our relationship is forged by our common geography, close economic ties, similar values and deep family connections that span our shared border.

The U.S.-Canada two-way trading relationship totals \$640 billion a year. No two other nations in the world come close to that depth of economic interaction. The biggest energy supplier to the U.S. is Canada. You import more oil from Canada than Saudia Arabia and Kuwait combined.

Moreover, Canada is a huge market for U.S. goods. We are your biggest market by far. The U.S. sells more to Canada than to the UK, Germany, Japan and China combined. The Canadian market for U.S. goods is larger than what you export to all 27 members of the European Union.

More than seven million jobs in the U.S. are directly supported by trade with Canada. And for Montana, trade with Canada amounts to more than \$4 billion a year, with almost 25,000 jobs in your state dependent on trade with Canada. Beyond those simple facts, the truth is that both our nations benefit from our trading relationship. Trade makes our economies more competitive, it stimulates economic growth and creates high-paying jobs.

It is because we share such intimate economic ties that how we manage our shared border becomes a crucial dimension of our relationship. Both Americans and Canadians want the same thing – a safe border. But we also need an efficient border, one that achieves our mutual security objectives but doesn't become a barrier to commerce and economic opportunity for our people.

But to truly appreciate the depth of our close relations, it's important to look beyond economic factors. Our two nations have shared beliefs that reflect our commitment to a world of peace, security and prosperity. As nations we are both guided by our dedication to freedom, democracy, human rights and the rule of law.

And nowhere is that more evident than in Afghanistan. Canada is there, with the U.S. and other NATO nations to bring peace, stability and development to the long-suffering people of that nation.

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For the last six years, Canadian soldiers have been serving and dying in Afghanistan. The last four we have been spearheading the effort in the challenging and violent region of Kandahar, long a stronghold of the Taliban. At times it has been a difficult and deadly struggle. We have seen 111 of our soldiers die as part of our mission. But Canadians remain unwavering in their commitment to Afghanistan. We see it as consistent with our nation's historic role in the world, a tradition that reaches back many decades, when we fought and died alongside US soldiers in the First and Second World Wars and in Korea.

I could go on, but I won't.

And that's because I believe ultimately the most meaningful way to illustrate why Montana and Canada matters is in human terms.

About 15 months ago, I was in Edmonton, Alberta with a Montana delegation headed by Governor Schweitzer. I sat in on a meeting between the Governor and Alberta Premier Ed Stelmach. Instantly the two struck a personal connection when they discovered both their grandparents had emigrated from their ancestral homes in Europe and homesteaded at the same time almost a century ago – the Governor's family near Havre, the Premier's near Edmonton.

Those deep personal, family roots between Montana and Canada flourish to this day. They are the true fibre of our close relationship as friends and neighbours.

To make that point, I would like to mention Mark Chabot, his wife Jacque and their four children – two daughters and two sons. For me, they embody the core truth about our special ties as people.

Mark was born, raised and went to school in Scobey, Montana. His family had farmland near Scobey and also just across the border in southern Saskatchewan. During the summer in high school, Mark often worked on the family farm on the other side of the border in Saskatchewan.

After he and Jacque, who was also born in Scobey and went to school in nearby Opheim, were married in 1977, they moved a few miles north to farm their land that ran along the border near Coronach, Saskatchewan.

Mark and Jacque's two girls went to elementary and high school in Coronach and their two boys received high school education in Scobey. Every school day, Mark or Jacque would drive the two boys – in good weather they'd sometimes walk the half mile -- to the border, where they stepped across and caught a bus to their high school in Scobey. When the boys turned 16, they drove themselves across the border to high school in Scobey.

Mark says he sees himself as a bit of a diplomat, defending both countries from those who might criticise our two nations. He can speak from personal experience.

"We've had the best of two free and great countries with a secure, yet open, border. Our family feels safe in both the U.S. and Canada, and that's a blessing," Mark says.

Since the terrible events of Sept. 11, the border is less open than it used to be. When, before, Mark and Jacque would simply stop briefly as they drove across the border, and the border agent would wave them on, the process now has become more formal – a reality that reflects the world we all share. This summer, U.S. citizens will need passports to drive back across the border into the U.S.

We might long for those earlier, simpler days. But there is no point romanticizing a past that is likely never to return. Better that we recognize and protect the unique relationship that we share.

I believe our task as family, friends and neighbours is to not allow ourselves to lose sight of the important ties that bind us. Of how what unites us is far greater than the border that might separate us.

As Prime Minister Harper indicated during President Obama's recent visit to Canada, "Threats to the United States are threats to Canada. There is no such thing as a threat to the national security of the United States which does not represent a direct threat to this country."

My colleagues from the Consulate and myself are here today to focus on what is truly a special relationship between two great nations. We have been holding roundtable discussions on common issues with people from Montana and Canada. And tonight you're all invited to our reception in the beautiful rotunda of this magnificent State Capitol building.

Thank you again for the honour of speaking to you today. And best wishes in doing the important work you do for the people of Montana.

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Mr. Speaker directed the committee to escort the Councilor from the House.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Becker, Chairman): 3/19/2009  
**SB 226**, be concurred in. Report adopted.  
**SB 463**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Himmelberger, Chairman): 3/19/2009  
**SB 123**, be amended as follows:

1. Page 3, line 1 through line 14.

**Strike:** line 1 through line 14 in their entirety

**Insert:** "(c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule."

And, as amended, be concurred in. Report adopted.

**TAXATION** (Lake, Chairman): 3/19/2009  
**SB 198**, be concurred in. Report adopted.  
**SB 280**, be concurred in. Report adopted.  
**SB 292**, be concurred in. Report adopted.  
**SB 353**, be concurred in. Report adopted.  
**SB 361**, be concurred in. Report adopted.  
**SB 430**, be concurred in. Report adopted.

**HB 562**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "RECEIVE"

**Strike:** "A"

**Insert:** "ITS"

2. Title, page 1, line 9.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 20-9-366"

3. Page 2, line 29.

**Following:** "department"

**Insert:** "for deposit as provided in subsections (4)(b)(ii) through (4)(b)(iv)"

4. Page 3, line 1.

**Strike:** "15-10-107"

**Insert:** "15-10-108"

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5. Page 3, line 2.

**Strike:** "15-10-107"

**Insert:** "15-10-108"

6. Page 3.

**Following:** line 6

**Insert:** "(iv) Fifty percent of the funds from a school district that has waived its right to protested taxes must be deposited in the state general fund, and the other 50% must be deposited in a school district property tax protest state special revenue fund."

7. Page 3, line 21.

**Strike:** "a"

**Insert:** "its"

8. Page 4, line 4.

**Following:** "refund"

**Insert:** "from the school district property tax protest state special revenue fund the"

**Following:** "taxes"

**Insert:** "and interest"

9. Page 4, line 5.

**Strike:** "a"

**Insert:** "its"

10. Page 4, line 6.

**Following:** "."

**Insert:** "If the amount available for the refund in the school district property tax protest state special revenue fund is insufficient to refund the property tax payments, the department shall pay the remainder of the refund from the state general fund."

11. Page 4, line 27.

**Strike:** "15-10-107"

**Insert:** "15-10-108"

12. Page 5, line 15 through page 6, line 17.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/19/2009

**HB 324**, introduced by Arntzen

**HB 366**, introduced by McGillvray

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

3/19/2009

**HB 45**, introduced by Ingraham



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**HB 67**, introduced by Belcourt  
**HB 129**, introduced by Getz  
**HB 270**, introduced by Reinhart  
**HB 332**, introduced by Getz  
**HB 363**, introduced by Jones  
**HB 432**, introduced by Mehlhoff  
**HB 545**, introduced by Vincent

**House joint resolutions** passed and transmitted to the House for concurrence: 3/19/2009

**HJR 22**, introduced by O'Hara  
**HJR 27**, introduced by Wilmer

**Senate bill** passed and transmitted to the House for concurrence: 3/19/2009

**SB 100**, introduced by Black

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 661**, introduced by Boniek, referred to Judiciary.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.  
Rep. Mendenhall announced that the House Democrats will caucus for 15 minutes.  
Mr. Speaker announced that the House will recess for 15 minutes.  
The House came to order at 1:58 p.m.

Mr. Speaker introduced the Neverland Ranch Hands, featuring our very own Sgt.-at-Arms Tensley.

The Neverland Ranch Hands played two songs for the House.

Mr. Speaker asked that Sgt.-at-Arms Tensley escort himself and his band out of the House chambers.

**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 Taylor in the chair.

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

**HB 23 - Senate Amendments** - Representative Himmelberger moved Senate amendments to **HB 23 do not** concur in. 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,

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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 119 - Senate Amendments** - Representative Hunter moved Senate amendments to **HB 119** be concurred in. Motion carried as follows:

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

Total 83

Nays: Bennett, Blasdel, Boniek, Hendrick, Kasten, Kerns, McGillvray, Miller, Nooney, Peterson, Randall, Regier, Roberts, Sales, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 304 - Senate Amendments** - Representative Sonju moved Senate amendments to **HB 304** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Nays: Boniek, Brown, Kasten, More, Peterson, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 3** - Representative Ankney moved **HB 3** do pass. Motion carried as follows:

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

Total 83

Nays: Blasdel, Boniek, Brown, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Vance, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 224** - Representative Hiner moved **HB 224** do pass. Motion carried as follows:

ey, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: Boss Ribs.

Total 1

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**SB 20** - Representative Ingraham moved **SB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, 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

**SB 21** - Representative Sonju moved **SB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, 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 96

Nays: Boniek, Kerns, Mendenhall, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 79** - Representative Sands moved **SB 79** be concurred in. 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, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan,

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Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.  
Total 94

Nays: Pomnichowski, Steenson, Mr. Speaker.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Howard, Mendenhall, Morgan.  
Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Taylor 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, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. 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 87

Nays: Boniek, McGillvray, Randall, Sales, Vincent.  
Total 5

Excused: McClafferty.  
Total 1

Absent or not voting: French, Hendrick, Hiner, Kasten, Mendenhall, Taylor, Washburn.  
Total 7

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 23** and request the senate to appoint a like committee:

The Speaker appoints:

Rep. Phillips, Vice Chair  
Rep. McAlpin  
Rep. Brown  
Rep. Himmelberger

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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

House adjourned at 2:58 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House