

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

Helena, Montana  
April 7, 2009

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bob Lake's Granddaughter who sang a song. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives P. Noonan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Wilson, Chairman): 4/7/2009  
**SB 511**, be concurred in. Report adopted.  
**HJR 36**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Milburn, Chairman): 4/7/2009  
**SB 303**, be concurred in. Report adopted.  
**SJR 28**, be concurred in. Report adopted.

**TAXATION** (Lake, Chairman): 4/7/2009  
**SB 491**, be amended as follows:

1. Page 1, line 18.

**Strike:** "made"

**Insert:** "makes"

2. Page 1, line 20.

**Strike:** "amount"

**Insert:** "contribution"

**Strike:** "(4)(d)"

**Insert:** "(4)(c)"

3. Page 3, line 9.

**Strike:** "amount"

**Insert:** "contribution"

4. Page 3, line 10.

**Strike:** "(4)(d)"

**Insert:** "(4)(c)"

5. Page 3, line 13.

**Strike:** "made"

**Insert:** "makes"

**Strike:** ", 1999"

**Insert:** "of each fiscal year"

6. Page 3, line 17.

**Strike:** "made"

**Insert:** "makes"

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7. Page 3, line 18.

**Strike:** "in that year"

**Insert:** "on July 1 of each fiscal year"

8. Page 3, line 20.

**Strike:** "amount"

**Insert:** "contribution"

9. Page 3, line 24 through line 26.

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

10. Page 6, line 3.

**Strike:** "amount"

**Insert:** "contribution"

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

**TRANSPORTATION** (Sonju, Chairman):

4/7/2009

**SB 508**, be amended as follows:

1. Title, page 1, line 21.

**Strike:** "AND AUTHORIZED USER"

2. Page 3, line 22.

**Following:** "SYSTEM"

**Insert:** "at the time the system is accessed under subsection (1) of this section"

3. Page 3, line 30.

**Following:** "under"

**Insert:** "61-3-321(7)(b)(ii) and (12),"

**Following:** "61-3-333"

**Strike:** "or"

**Insert:** ", "

**Following:** "61-3-465(1)(b)(i)"

**Insert:** ", 61-3-480(2)(c)(i), or 61-3-562(1)(a)(ii)"

4. Page 9, line 30.

**Following:** "~~and (3)(c)~~"

**Insert:** "(3)(c) and"

5. Page 14, line 2.

**Following:** ";

**Insert:** "and"

6. Page 14, line 5 through line 7.

**Strike:** "; and" on line 5 through "61-3-332" on line 7

7. Page 32, line 28.

**Following:** line 27

**Insert:** "COORDINATION SECTION. **Section 28. Coordination instruction.** If both House Bill No. 615 and

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[this act] are passed and approved, then House Bill No. 615 is void."

**Renumber:** subsequent sections

8. Page 33, line 1.

**Strike:** "24"

**Insert:** "25"

9. Page 33, line 2.

**Following:** "15,"

**Strike:** "and"

**Following:** "17"

**Insert:** ", and 19"

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

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 228**  
Report No. 0, April 7, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 228** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 228** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Strike:** "45-8-328,"

2. Page 8, line 24 through page 9, line 10.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

3. Page 10, line 8.

**Strike:** "10"

**Insert:** "9"

4. Page 10, line 9.

**Strike:** "10"

**Insert:** "9"

For the Senate:

McGee, Chairman  
Shockley  
Jent

For the House:

Menahan, Chairman  
Kottel  
Kerns  
Berry

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 73**  
Report No. 0, April 6, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 73** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 73** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Hawks, Chairman  
Hinkle  
Zinke

For the House:

Pomnichowski, Chairman  
Ebinger  
Sonju  
Vance

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 108**  
Report No. 0, April 7, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 108** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 108** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 and 8.

**Following:** "PROCEEDINGS" on line 7

**Strike:** "EXCEPT IN CERTAIN CIRCUMSTANCES"

2. Title, page 1, lines 12 and 13.

**Following:** "PLANS" on line 12

**Strike:** "EXCEPT IN CERTAIN CIRCUMSTANCES"

3. Page 2, lines 18 and 19.

**Following:** "SERVICE" on line 18

**Strike:** "unless" on line 18 through "dishonorable" on line 19

4. Page 5, lines 11 and 12.

**Following:** "child" on line 11

**Strike:** "unless" on line 11 through "dishonorable" on line 12

5. Page 7, lines 25 and 26.

**Following:** "SERVICE" on line 25

**Strike:** "unless" on line 25 through "dishonorable" on line 26

For the Senate:

For the House:

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McGee, Chairman  
Jent  
Zinke

Menahan, Chairman  
Stoker  
Kottel  
Kerns

**MESSAGES FROM THE SENATE**

**Senate joint resolutions** passed and transmitted to the House for concurrence: 4/6/2009

**SJR 30**, introduced by Zinke  
**SJR 31**, introduced by Windy Boy  
**SJR 32**, introduced by Windy Boy

**House amendments to Senate bills** concurred in: 4/6/2009

**SB 26**, introduced by Murphy  
**SB 96**, introduced by Jent  
**SB 104**, introduced by Esp  
**SB 113**, introduced by Keane  
**SB 158**, introduced by Brueggeman  
**SB 171**, introduced by Barkus  
**SB 247**, introduced by Black  
**SB 269**, introduced by R. Brown  
**SB 330**, introduced by Moss  
**SB 396**, introduced by Story  
**SB 449**, introduced by Keane

**House amendments to Senate joint resolutions** concurred in: 4/6/2009

**SJR 9**, introduced by Gallus  
**SJR 15**, introduced by Tutvedt

**House amendments to Senate bills not** concurred in: 4/6/2009

**SB 306**, introduced by Esp  
**SB 457**, introduced by Branae

**SB 305** - The Senate failed to concur in House amendments to **SB 305**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 305**:

4/6/2009

Senator Tutvedt, Chair  
Senator Esp  
Senator Laslovich

**SB 310** - The Senate failed to concur in House amendments to **SB 310**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 310**:

4/6/2009

Senator Shockley, Chair

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Senator Tutvedt  
Senator Laslovich

**SB 404** - The Senate failed to concur in House amendments to **SB 404**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 404**:

4/6/2009

Senator Brueggeman, Chair  
Senator Barkus  
Senator Jent

**SB 348** - The Senate failed to concur in House amendments to **SB 348**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 348**:

4/6/2009

Senator Essmann, Chair  
Senator Williams  
Senator Black

**House bill** concurred in and returned to the House:

4/6/2009

**HB 480**, introduced by Pomnichowski

**HB 228** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 228**:

4/6/2009

Senator McGee, Chair  
Senator Shockley  
Senator Jent

Conference Committee Report No.1 adopted:

4/6/2009

**HB 23**, introduced by Himmelberger

### FIRST READING AND COMMITMENT OF BILLS

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

**SJR 30**, introduced by Zinke, referred to State Administration.

**SJR 31**, introduced by Windy Boy, J. Tropila, Squires, Campbell, McAlpin, Boss Ribs, Belcourt, Hunter, Henry, Caferro, Augare, Hamilton, referred to Human Services.

**SJR 32**, introduced by Windy Boy, Lewis, J. Tropila, Squires, Campbell, Boss Ribs, Henry, Hamilton, Caferro, Belcourt, Hunter, McAlpin, Augare, Jones, referred to Human Services.

### 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 34**, as amended by the Senate, passed as follows:

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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 40, as amended by the Senate, 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, 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, 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: Boniek, Kerns, Mendenhall.

Total 3

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**HB 374, as amended by the Senate, passed 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, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk,

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Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 87

Nays: Blasdel, Boniek, Brown, Kerns, McGillvray, Miller, More, Randall, Sales, Smith, Vincent, Wagner, Warburton.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 534, as amended by the Senate, passed as follows:**

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, 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, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 81

Nays: Bean, Bennett, Berry, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Sales, Smith, Vincent.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Hoven, Stahl.  
Total 2

**HB 536, as amended by the Senate, passed as follows:**

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, 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, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, 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, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 93

Nays: Boniek, Jones, Kerns, Miller, Wagner, Warburton.  
Total 6

Excused: None.  
Total 0



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Absent or not voting: Blasdel.

Total 1

**HB 574, as amended by the Senate**, 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, 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Wagner.

Total 1

Excused: None.

Total 0

Absent or not voting: McGillvray.

Total 1

**HJR 9, as amended by the Senate**, 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, 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 99

Nays: Boniek.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 65** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, 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, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: Blasdel, Kerns, Mendenhall, Randall, Sales, Sonju, Vance, Wagner, Welborn.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 79, Conference Committee report**, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.  
Total 97

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 86, as amended by the House**, concurred in 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, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 98

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Nays: Boniek, Stoker.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**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 Bean in the chair.

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

**HB 55 - Governor's Amendments** - Representative Hawk moved Governor's amendments to **HB 55** 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, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 93

Nays: Boniek, Kerns, Lake, Randall, Sales, Wagner, Wiseman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 318 - Senate Amendments** - Representative Kottel moved Senate amendments to **HB 318** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, 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, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, 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,

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Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: Boniek, Hendrick, Ingraham, Kasten, Kerns, Miller, Wagner, Welborn.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Belcourt.  
Total 1

**HB 384 - Senate Amendments** - Representative Villa moved Senate amendments to **HB 384** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 83

Nays: Boniek, Boss Ribs, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, MacDonald, Miller, More, Randall, Sales, Smith, Vincent, Wagner, Warburton.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 628 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 628** 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, Mr. Speaker.  
Total 99

Nays: Wiseman.  
Total 1

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 630 - Senate Amendments** - Representative Sands moved Senate amendments to **HB 360** 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 97

Nays: More, Sales, Wagner.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 34** - Representative McAlpin moved **HJR 34** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, 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, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 88

Nays: Bean, Boniek, Brown, Hawk, Lake, Mendenhall, Miller, Randall, Regier, Sales, Vance.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Kerns.  
Total 1

**HJR 35** - Representative Himmelberger moved **HJR 35** be adopted. Motion carried as follows:

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

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 119** - Representative Morgan moved **SB 119** 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Kerns, Mendenhall.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 198** - Representative Lake moved **SB 198** be concurred in. Motion carried as follows:

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

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

Nays: Pomnichowski, Wiseman.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Blewett.  
Total 1

**SB 350** - Representative Roberts moved **SB 350** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Berry, 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, 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, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 74

Nays: Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hawk, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Wagner, Warburton, Washburn, Wiseman.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 31** - Representative McGillvray introduced **HJR 31**.

Rep. Wiseman protested the ruling of the chair

Chair Bean announced that the House will take a short recess.

The House came to order at 2:07 p.m.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.

The House came to order at 2:20 p.m.

Motion by Rep. Wiseman to protest the ruling of the chair requires a simple majority vote. Motion **failed** as follows:

Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.  
Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour,

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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, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Excused: P. Noonan.

Total 1

Absent or not voting: Stahl, Steenson.

Total 2

**HJR 31** - Representative McGillvray moved **HJR 31** do pass. Motion carried as follows:

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

Total 52

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

Total 47

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 80

Nays: Becker, Belcourt, Caferro, Driscoll, French, Hands, Himmelberger, Jopek, McClafferty, Miller, Reinhart, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman.

Total 18



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Excused: P. Noonan.  
Total 1

Absent or not voting: Boss Ribs.  
Total 1

**MESSAGES FROM THE SENATE**

**SB 427** - The Senate failed to concur in House amendments to **SB 427**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 427**:  
4/7/2009

Senator Laslovich, Chair  
Senator McGee  
Senator Story

**MOTIONS**

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 306** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Hands, Vice Chair  
Rep. Driscoll  
Rep. Vance  
Rep. Bennett

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **SB 427** and request the Senate to appoint a like committee.

The Senate Appoints:

Sen. Laslovich, Chair  
Sen. McGee  
Sen. Story

The Speaker Appoints:

Rep. A. Noonan, Vice Chair  
Rep. Belcourt  
Rep. Vincent  
Rep. Milburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 457** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. MacDonald, Vice Chair  
Rep. Ebinger  
Rep. Vance  
Rep. Berry

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, April 8, 2009. Motion carried.

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House adjourned at 2:44 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House