

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

Helena, Montana
February 10, 2009

House Chambers
State Capitol

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

Roll Call. All members present. Except for Representative Mendenhall who was excused. Quorum present.

Rep. Warburton asked for a moment of silence in recognition of a Matt Jergeson who recently passed away. A moment of silence ensued.

Rep. Sands ask for a moment of silence in recognition of former Representative Bob Thoft who recently passed away. A moment of silence ensued.

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 82 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pommichowski, Randall, 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 92

Nays: Boniek, McGillvray, Mendenhall, Miller, More, Regier, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 128 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, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pommichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 90

Nays: Blasdel, Boniek, Peterson, Randall, Sales, Sonju, Vincent, Wagner, Warburton.

Total 9

Excused: None.

Total 0

Absent or not voting: Van Dyk.

Total 1

HB 172 passed as follows:

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

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 passed as follows:

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

Total 60

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 40

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 287 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Wilmer, Wilson, Mr. Speaker.

Total 65

Nays: Bean, B. Beck, Becker, Berry, Blasdel, Boniek, Brown, Butcher, Cohenour, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jopek, Kasten, Lake, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Warburton, Washburn, Welborn, Wiseman.

Total 34

Excused: None.

Total 0

Absent or not voting: P. Beck.

Total 1

HB 298 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, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, 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 90

Nays: Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Kasten, McGillvray, Miller, Randall.

Total 9

Excused: None.

Total 0

Absent or not voting: Getz.

Total 1

HB 337 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, Klock, Kottel, Lake, MacDonald,

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

Total 97

Nays: Kasten, Kerns, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 354 passed as follows:

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

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

2/10/2009

HB 160, introduced bill, be amended as follows:

1. Title, line 8.

Following: "PREMIUMS;"

Insert: "REVISING INVESTMENT REQUIREMENTS FOR CAPTIVE INSURERS;"

2. Title, line 9.

Following: "33-2-1903,"

Insert: "33-28-102, 33-28-105,"

Following: "33-28-107,"

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Strike: "33-28-120,"

Following: "33-28-201,"

Insert: "33-28-202,"

3. Page 2, following line 18.

Insert: "**Section 2.** Section 33-28-102, MCA, is amended to read:

"33-28-102. Licensing -- authority. (1) A captive insurance company, when permitted by its organizational document, may apply to the commissioner for a license to provide property insurance, casualty insurance, life insurance, disability income insurance, surety insurance, marine insurance, and health insurance coverage or a group health plan as defined in 33-22-140, except that:

(a) a pure captive insurance company may not insure any risks other than those of its parent and affiliated companies and controlled unaffiliated business entities;

(b) an industrial insured captive insurance company may not insure any risks other than those of the industrial insureds that comprise the industrial insured group and their affiliated companies;

(c) an association captive insurance company may not insure any risks other than those of the members or affiliated companies of members;

(d) a captive insurance company or a branch captive insurance company may not:

(i) provide personal lines of insurance, including but not limited to motor vehicle or homeowner's insurance coverage or any component of those coverages;

(ii) accept or cede reinsurance except as provided in 33-28-203;

(iii) provide health insurance coverage or a group health plan unless the captive insurance company or branch captive insurance company is only providing health insurance coverage or a group health plan for the parent company and its affiliated companies; or

(iv) write workers' compensation insurance on a direct basis; and

(e) a protected cell captive insurance company may not insure any risks other than those of its participant affiliated companies and controlled unaffiliated business entities.

(2) A captive insurance company may not write any insurance business unless:

(a) it first obtains from the commissioner a license authorizing it to do insurance business in this state;

(b) its board of directors, board of managing members, or a reciprocal insurer's subscribers' advisory committee holds at least one meeting each year in this state;

(c) it maintains its principal place of business in this state; and

(d) (i) it appoints a registered agent to accept service of process;

(ii) the name and contact information and any subsequent changes regarding the registered agent are filed with the commissioner; and

(iii) it agrees that whenever the registered agent cannot be found with reasonable diligence, the commissioner's office may act as an agent of the captive insurance company with respect to any action or proceeding and may be served in accordance with 33-1-603.

(3) (a) Before receiving a license, a captive insurance company shall:

(i) with respect to a captive insurance company formed as a ~~corporation~~ business entity:

(A) file with the commissioner a certified copy of its ~~charter and bylaws~~ organizational documents, a statement under oath of its ~~president and secretary~~ an officer of the business entity showing its financial condition, and any other statements or documents required by the commissioner; and

(B) submit to the commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with any additional information that the commissioner may reasonably require;

(ii) with respect to a captive insurance company formed as a reciprocal insurer:

(A) file with the commissioner a certified copy of the power of attorney of its attorney-in-fact, a certified copy of its subscribers' agreement, a statement under oath of its attorney-in-fact showing its financial condition, and any other statements or documents required by the commissioner; and

(B) submit to the commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with any additional information that the commissioner may reasonably require.

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(b) In the event of any subsequent material change in any of the items in the description provided for in subsection (3)(a), the captive insurance company shall submit to the commissioner for approval an appropriate revision and may not offer any additional kinds of insurance until a revision of the description is approved by the commissioner. The captive insurance company shall inform the commissioner of any change in rates within 30 days of the adoption of the change.

(c) In addition to the information required by subsections (3)(a) and (3)(b), each applicant captive insurance company shall file with the commissioner evidence of the following:

- (i) the amount and liquidity of its assets relative to the risks to be assumed;
- (ii) the adequacy of the expertise, experience, and character of the person or persons who will manage it;
- (iii) the overall soundness of its plan of operation;
- (iv) the adequacy of the loss prevention programs of its parent, members, or industrial insureds as applicable; and
- (v) any other factors considered relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(d) In addition to the information required by this section, each applicant that is a protected cell captive insurance company shall file with the commissioner the following:

(i) a business plan demonstrating how the applicant will account for the loss and expense experience of each protected cell at a level of detail found to be sufficient by the commissioner and how it will report the experience to the commissioner;

(ii) a statement acknowledging that all financial records of the protected cell captive insurance company, including records pertaining to any protected cells, must be made available for inspection or examination by the commissioner or the commissioner's designated agent;

(iii) all contracts or sample contracts between the protected cell captive insurance company and any participants; and

(iv) evidence that expenses will be allocated to each protected cell in a fair and equitable manner.

(e) Information submitted pursuant to this subsection (3) must remain confidential and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the company, except that:

(i) the information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted the information is a party, upon a showing by the party seeking to discover the information that the information sought is relevant to and necessary for the furtherance of the action or case, the information sought is unavailable from other nonconfidential sources, and a subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the commissioner;

(ii) the commissioner may, in the commissioner's discretion, disclose the information to a public officer having jurisdiction over the regulation of insurance in another state or to a public official of the federal government, as long as the public official agrees in writing to maintain the confidentiality of the information and the laws of the state in which the public official serves, if applicable, require the information to be and to remain confidential.

(4) (a) Each captive insurance company shall pay to the commissioner a nonrefundable fee of \$200 for the examining, investigating, and processing of its application for license, and the commissioner is authorized to retain legal, financial, and examination services from outside the department, the reasonable cost of which may be charged to the applicant.

(b) The provisions of Title 33, chapter 1, part 4, apply to examinations, investigations, and processing conducted under the authority of this section. In addition, each captive insurance company shall pay a license fee for the year of registration and a renewal fee for each subsequent year of \$300.

(5) If the commissioner is satisfied that the documents and statements that the applicant captive insurance company has filed comply with the provisions of this chapter and applicable provisions of Title 33, the commissioner may grant a license authorizing the company to do insurance business in this state. The license is effective until March 1 of each year and may be renewed upon proper compliance with this chapter."

Insert: "Section 3. Section 33-28-105, MCA, is amended to read:

"33-28-105. Formation of captive insurance companies. (1) A captive insurance company must be formed

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or organized as a business entity as provided in this chapter.

(2) An association captive insurance company or an industrial insured captive insurance company may be:

(a) incorporated as a stock insurer with its capital divided into shares and held by the stockholders;

(b) incorporated as a mutual insurer without capital stock, the governing body of which is elected by the members of its association or associations; ~~or~~

(c) organized as a reciprocal insurer under Title 33, chapter 5; or

(d) organized as a limited liability company.

(3) A captive insurance company incorporated or organized in this state ~~may not have less than three incorporators, at least one of whom must be a resident of this state~~ must be incorporated or organized by at least one incorporator or organizer who is a resident of this state.

(4) (a) In the case of a captive insurance company formed as a business entity and before the organizational documents are transmitted to the secretary of state, the organizers shall file a copy of the proposed organizational documents and a petition with the commissioner requesting the commissioner to issue a certificate that finds that the establishment and maintenance of the proposed business entity will promote the general good of the state. In reviewing the petition, the commissioner shall consider:

(i) the character, reputation, financial standing, and purposes of the organizers;

(ii) the character, reputation, financial responsibility, insurance experience, and business qualifications of any officers, ~~and~~ directors, or managing members; and

(iii) any other factors that the commissioner considers appropriate.

(b) If the commissioner does not issue a certificate or finds that the proposed organizational documents of the captive insurance company do not meet the requirements of the applicable laws, including but not limited to 33-2-112, the commissioner shall refuse to approve the draft of the organizational documents and shall return the draft to the proposed organizers, together with a written statement explaining the refusal.

(c) If the commissioner issues a certificate and approves the draft organizational documents, the commissioner shall forward the certificate and an approved draft of organizational documents to the proposed organizers. The organizers shall prepare two sets of the approved organizational documents and shall file one set with the secretary of state as required by the applicable law and one set with the commissioner.

(5) The capital stock of a captive insurance company incorporated as a stock insurer may be authorized with no par value.

(6) (a) At least one of the members of the board of directors of a captive insurance company must be a resident of this state.

(b) In the case of a captive insurance company formed as a limited liability company, at least one of the managers must be a resident of the state.

(c) In case of a reciprocal insurer, at least one of the members of the subscribers' advisory committee must be a resident of the state.

(7) (a) A captive insurance company formed as a corporation or another business entity has the privileges and is subject to the provisions of general corporation law or the laws governing other business entities, as well as the applicable provisions contained in this chapter.

(b) In the event of conflict between the provisions of general corporation law or the laws governing other business entities and this chapter, the provisions of this chapter control.

(8) (a) With respect to a captive insurance company formed as a reciprocal insurer, the organizers shall petition and request that the commissioner issue a certificate that finds that the establishment and maintenance of the proposed association will promote the general good of the state. In reviewing the petition, the commissioner shall consider:

(i) the character, reputation, financial standing, and purposes of the organizers;

(ii) the character, reputation, financial responsibility, insurance experience, and business qualifications of the attorney-in-fact; and

(iii) any other factors that the commissioner considers appropriate.

(b) The commissioner may either approve the petition and issue the certificate or reject the petition in a written statement of the reasons for the rejection.

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(c) (i) A captive insurance company formed as a reciprocal insurer has the privileges and is subject to the provisions of Title 33, chapter 5, in addition to the applicable provisions of this chapter. If there is a conflict between Title 33, chapter 5, and this chapter, the provisions of this chapter control.

(ii) The subscribers' agreement or other organizing document of a captive insurance company formed as a reciprocal insurer may authorize a quorum of a subscribers' advisory committee to consist of at least one-third of the number of its members.

(d) A captive risk retention group has the privileges and is subject to the provisions of Title 33, chapter 11, and this chapter. If there is a conflict between Title 33, chapter 11, and this chapter, the provisions of this chapter prevail.

(9) Except as provided in 33-28-306, the provisions of Title 33, chapter 3, pertaining to mergers, consolidations, conversions, mutualizations, and voluntary dissolutions apply in determining the procedures to be followed by captive insurance companies in carrying out any of those transactions.

(10) (a) With respect to a branch captive insurance company, the foreign captive insurance company shall petition and request that the commissioner issue a certificate that finds that, after considering the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors of the foreign captive insurance company, the licensing and maintenance of the branch operation will promote the general good of the state. The foreign captive insurance company shall apply to the secretary of state for a certificate of authority to transact business in this state after the commissioner's certificate is issued.

(b) A branch captive insurance company established pursuant to the provisions of this chapter to write in this state only insurance or reinsurance of the employee benefit business of its parent and affiliated companies is subject to provisions of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq. In addition to the general provisions of this chapter, the provisions of this section apply to branch captive insurance companies.

(c) A branch captive insurance company may not do any insurance business in this state unless it maintains the principal place of business for its branch operations in this state."

Renumber: subsequent sections

4. Page 3, line 26 through page 4, line 13.

Strike: Section 3 in its entirety

Renumber: subsequent sections

5. Page 5, line 9.

Following: "(a)"

Strike: "If"

Insert: "(i) Except as provided in subsection (3)(a)(ii), if"

6. Page 5, following line 11.

Insert: "(ii) In the calendar year in which a captive insurance company that is subject to the minimum tax is first licensed, the tax must be prorated on a quarterly basis as follows:

(A) \$5,000 if licensed in the first quarter;

(B) \$3,750 if licensed in the second quarter;

(C) \$2,500 if licensed in the third quarter; and

(D) \$1,250 if licensed in the fourth quarter."

7. Page 5, following line 29.

Insert: "Section 6. Section 33-28-202, MCA, is amended to read:

"33-28-202. Legal investments. (1)(a) An industrial insured captive insurance company, an association captive insurance company, and a captive risk retention group shall comply with the investment requirements contained in Title 33, chapter 12, and the rules promulgated in accordance with these provisions.

(b) The commissioner may approve the use of alternative reliable methods of valuation and rating.

(c) When a captive insurance company's admitted assets total less than \$5 million, the commissioner may

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approve an investment of up to 20% of admitted assets in rated credit instruments in any one investment that meets the requirements of 33-12-303(1)(c).

(2) A pure captive insurance company is not subject to any restrictions on allowable investments, except that the commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the company.

(3) Only a pure captive insurance company may make loans to its parent company or affiliates. Loans to a parent company or any affiliate may not be made without prior written approval of the commissioner and must be evidenced by a note in a form approved by the commissioner. Loans of minimum capital and surplus funds required by 33-28-104 are prohibited.""

Renumber: subsequent sections

8. Page 6, line 3.

Following: "definitions of"

Insert: "commissioner and department provided in 33-1-202,"

And, as amended, do pass. Report adopted.

HB 204, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "A PERSON"

Insert: "AN APPLICANT"

2. Title, line 5 through line 6.

Strike: "FOR" on line 5 through "YEARS" on line 6

3. Title, line 6.

Following: "IS"

Insert: "NOT"

4. Title, line 6 through line 7.

Strike: "ONLY" on line 6 through "YEARS" on line 7

Insert: "DOCUMENTS PREVIOUSLY SUBMITTED IF THE APPLICANT VERIFIES THAT THE PREVIOUSLY SUBMITTED DOCUMENTS ARE STILL CURRENT AND VALID OR THE DEPARTMENT DECIDES THE DOCUMENTS ARE STILL CURRENT AND VALID"

5. Page 2, line 2.

Following: "To"

Strike: "Except as provided in subsection (5)(b), to"

Insert: "To"

6. Page 2, line 7.

Following: "department"

Strike: "if required"

7. Page 2, line 17 through line 19.

Strike: subsection (b) in its entirety

Insert: "(b) The department shall adopt a retention schedule that maintains copies of documents submitted in support of an initial application or renewal application for an independent contractor exemption certificate for a minimum of 3 years after an application has been received by the department. The department shall, to the

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extent feasible, produce renewal applications that reduce the burden on renewal applicants to supply information that has been previously provided to the department as part of the application process.

(c) An applicant who applies on or after July 1, 2011, to renew an independent contractor exemption certificate is not required to submit documents that have been previously submitted to the department if:

(i) the applicant certifies under oath that the previously submitted documents are still valid and current; and

(ii) the department, if it considers it necessary, independently verifies a specific document or decides that a document has not expired pursuant to the document's own terms and is therefore still valid and current."

And, as amended, do pass. Report adopted.

HB 378, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "EXPANDING THE EMPLOYMENTS TO WHICH"

Insert: "EXEMPTING FROM"

2. Title, line 5.

Following: "ACT"

Strike: "DOES NOT APPLY TO INCLUDE"

Insert: "THE EMPLOYMENT OF PERSONS PERFORMING THE SERVICES OF AN INTRASTATE OR INTERSTATE COMMON OR CONTRACT MOTOR CARRIER IF HIRED BY A"

Following: "FREIGHT"

Strike: "FORWARDERS"

Insert: "FORWARDER"

Following: ";

Strike: "AND"

3. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 29.

Following: "broker"

Insert: "or freight forwarder"

5. Page 4, line 6.

Strike: subsection (z) in its entirety

6. Page 5, line 15.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 400, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "that" through "volume"

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2. Page 1, line 13.

Following: "code."

Strike: "Beer"

Insert: "Unless defined as beer in 16-1-106(5)(b), beer"

Strike: "14%"

Insert: "8.75%"

3. Page 1, line 26.

Following: "means"

Insert: ": (a)"

Strike: "14%"

Insert: "8.75%"

Following: "volume"

Insert: "; or"

(b) an alcoholic beverage containing not more than 14% alcohol by volume:

(i) that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and

(ii) in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

4. Page 3, line 27 through line 28.

Strike: "containing" on line 27 through "volume" on line 28

And, as amended, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "20,001"

Insert: "20,000"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/10/2009

HB 365, do pass. Report adopted.

HB 367, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "mother"

Insert: "parent"

Strike: "women"

Insert: "parents"

2. Page 1, line 12.

Strike: "women"

Insert: "parents"

3. Page 1, line 13.

Strike: "women who are"

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Insert: "parents"

4. Page 1, line 14.

Strike: "woman"

Insert: "parent"

5. Page 1, line 15.

Following: "give"

Strike: "her"

Insert: "the parent"

Following: "assist"

Strike: "her"

Insert: "the parent"

6. Page 1, line 17.

Strike: "mothers"

Insert: "parents"

7. Page 1, line 26.

Strike: "mothers"

Insert: "parents"

And, as amended, do pass. Report adopted.

SB 53, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

2/10/2009

HB 285, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "75-5-305"

Insert: ", 75-5-317,"

2. Page 2, line 9.

Following: line 9

Insert: "**Section 2.** Section 75-5-317, MCA, is amended to read:

"75-5-317. Nonsignificant activities. (1) The categories or classes of activities identified in subsection (2) cause changes in water quality that are nonsignificant because of their low potential for harm to human health or the environment and their conformance with the guidance found in 75-5-301(5)(c).

(2) The following categories or classes of activities are not subject to the provisions of 75-5-303:

(a) existing activities that are nonpoint sources of pollution as of April 29, 1993;

(b) activities that are nonpoint sources of pollution initiated after April 29, 1993, when reasonable land, soil, and water conservation practices are applied and existing and anticipated beneficial uses will be fully protected;

(c) use of agricultural chemicals in accordance with a specific agricultural chemical ground water management plan promulgated under 80-15-212, if applicable, or in accordance with an environmental protection agency-approved label and when existing and anticipated uses will be fully protected;

(d) changes in existing water quality resulting from an emergency or remedial activity that is designed to protect public health or the environment and is approved, authorized, or required by the department;

(e) changes in existing ground water quality resulting from treatment of a public water supply system, as

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defined in 75-6-102, or a public sewage system, as defined in 75-6-102, by chlorination or other similar means that is designed to protect the public health or the environment and that is approved, authorized, or required by the department;

(f) the use of drilling fluids, sealants, additives, disinfectants, and rehabilitation chemicals in water well or monitoring well drilling, development, or abandonment, if used according to department-approved water quality protection practices and if no discharge to surface water will occur;

(g) short-term changes in existing water quality resulting from activities authorized by the department pursuant to 75-5-308;

(h) land application of animal waste, domestic septage, or waste from public sewage treatment systems containing nutrients when the wastes are applied to the land in a beneficial manner, application rates are based on agronomic uptake of applied nutrients, and other parameters will not cause degradation;

(i) use of gray water, as defined in 75-5-325, from nonpublic gray water reuse systems for irrigation during the growing season in accordance with gray water reuse rules adopted pursuant to 75-5-305;

~~(j)~~(j) incidental leakage of water from a public water supply system, as defined in 75-6-102, or from a public sewage system, as defined in 75-6-102, utilizing best practicable control technology designed and constructed in accordance with Title 75, chapter 6;

~~(k)~~(k) discharges of water to ground water from water well or monitoring well tests, hydrostatic pressure and leakage tests, or wastewater from the disinfection or flushing of water mains and storage reservoirs, conducted in accordance with department-approved water quality protection practices;

~~(l)~~(l) oil and gas drilling, production, abandonment, plugging, and restoration activities that do not result in discharges to surface water and that are performed in accordance with Title 82, chapter 10, or Title 82, chapter 11;

~~(m)~~(m) short-term changes in existing water quality resulting from ordinary and everyday activities of humans or domesticated animals, including but not limited to:

(i) such recreational activities as boating, hiking, hunting, fishing, wading, swimming, and camping;

(ii) fording of streams or other bodies of water by vehicular or other means; and

(iii) drinking from or fording of streams or other bodies of water by livestock and other domesticated animals;

~~(n)~~(n) coal and uranium prospecting that does not result in a discharge to surface water, that does not involve a test pit located in surface water or that may affect surface water, and that is performed in accordance with Title 82, chapter 4;

~~(o)~~(o) solid waste management systems, motor vehicle wrecking facilities, and county motor vehicle graveyards licensed and operating in accordance with Title 75, chapter 10, part 2, or Title 75, chapter 10, part 5;

~~(p)~~(p) hazardous waste management facilities permitted and operated in accordance with Title 75, chapter 10, part 4;

~~(q)~~(q) metallic and nonmetallic mineral exploration that does not result in a discharge to surface water and that is permitted under and performed in accordance with Title 82, chapter 4, parts 3 and 4;

~~(r)~~(r) stream-related construction projects or stream enhancement projects that result in temporary changes to water quality but do not result in long-term detrimental effects and that have been authorized pursuant to 75-5-318;

~~(s)~~(s) diversions or withdrawals of water established and recognized under Title 85, chapter 2;

~~(t)~~(t) the maintenance, repair, or replacement of dams, diversions, weirs, or other constructed works that are related to existing water rights and that are within wilderness areas so long as existing and anticipated beneficial uses are protected and as long as the changes in existing water quality relative to the project are short term; and

~~(u)~~(u) any other activity that is nonsignificant because of its low potential for harm to human health or to the environment and its conformance with the guidance found in 75-5-301(5)(c)."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/10/2009

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HB 328, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/10/2009

SB 58, introduced by Gillan
SB 102, introduced by Brueggeman
SB 193, introduced by McGee
SB 201, introduced by Laslovich
SB 206, introduced by De. Barrett
SB 228, introduced by De. Barrett
SB 261, introduced by Wanzenried
SB 297, introduced by Larsen

FIRST READING AND COMMITMENT OF BILLS

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

HB 525, introduced by Driscoll, referred to Judiciary.
HB 526, introduced by Sales, referred to Transportation.
HB 527, introduced by Sales, Hendrick, Sonju, Cohenour, Blasdel, referred to Fish, Wildlife and Parks.
HB 529, introduced by Jones, referred to Federal Relations, Energy, and Telecommunications.
HB 530, introduced by Arntzen, referred to Human Services.
HB 531, introduced by Nooney, referred to Transportation.
HB 532, introduced by MacLaren, referred to State Administration.
HB 533, introduced by Taylor, Nooney, referred to Judiciary.
HB 534, introduced by Campbell, French, Hamilton, McChesney, Sands, Wilmer, Laslovich, Shockley, Windy Boy, referred to Judiciary.
HB 535, introduced by Stahl, referred to Natural Resources.
HB 536, introduced by Malek, Hamilton, McAlpin, Menahan, referred to Transportation.
HB 537, introduced by Milburn, referred to Appropriations.
HB 538, introduced by Steenson, referred to Business and Labor.
HB 539, introduced by Glaser, Jones, referred to Education.
HB 540, introduced by Wilmer, referred to Taxation.
HB 541, introduced by Wiseman, Wanzenried, referred to Judiciary.
HB 542, introduced by Vance, referred to Business and Labor.
HB 543, introduced by Boss Ribs, Roundstone, Augare, Campbell, Pease-Lopez, Belcourt, Fleming, MacDonald, Stewart-Peregoy, referred to Appropriations.

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

SB 58, introduced by Gillan, referred to Local Government.
SB 102, introduced by Brueggeman, referred to Natural Resources.
SB 193, introduced by McGee, referred to Natural Resources.
SB 201, introduced by Laslovich, referred to Natural Resources.
SB 206, introduced by De. Barrett, referred to Natural Resources.
SB 228, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

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SB 261, introduced by Wanzenried, referred to Local Government.

SB 297, introduced by Larsen, referred to Natural Resources.

**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 Reichner in the chair.

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

HB 80 - Representative Kottel moved **HB 80** do pass. Motion carried as follows:

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

Total 80

Nays: Blasdel, Boniek, Brown, Butcher, Driscoll, Hawk, Malek, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Sonju, Van Dyk, Villa, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 94 - Representative McNutt moved **HB 94** 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, 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, Mr. Speaker.

Total 97

Nays: McGillvray, Wagner, Wiseman.

Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 108 - Representative Hollenbaugh moved **HB 108** do pass. Motion carried as follows:

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

Total 86

Nays: B. Beck, Bennett, Berry, Brown, Kerns, MacLaren, McGillvray, Mendenhall, Randall, Taylor, Vincent, Wagner, Warburton.

Total 13

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

HB 140 - Representative Vincent moved **HB 140** do pass. Motion carried as follows:

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

Total 86

Nays: Barrett, Blewett, Caferro, Dickenson, Hands, Hollenbaugh, Jopek, Malek, McAlpin, A. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 - Representative Pomnichowski moved **HB 156** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, 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, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Wilson, Wiseman, Mr. Speaker.

Total 51

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

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 247 - Representative Bergren moved **HB 247** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, 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, 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 97

Nays: Mendenhall, Stoker.

Total 2

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

HB 270 - Representative Bergren moved **HB 270** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, Bean, 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, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, 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, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

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Nays: Boniek, Butcher, Howard, Kasten, Kerns, Lake, More, Regier, Sales, Stoker.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 - Representative Sonju moved **HB 286** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, 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, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 94

Nays: Ankney, Kerns, Milburn, Stoker, Washburn, Wilson.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 - Mr. Speaker moved that **HB 71** be moved to the top of the board. Motion carried.

HB 71 - Representative Sands moved **HB 71** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, 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, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 78

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Stoker, Vance, Vincent, Wagner, Mr. Speaker.
Total 22

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 304 - Representative Sonju moved **HB 304** 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, 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, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, 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 92

Nays: Boniek, Brown, Kasten, Kerns, Morgan, Peterson, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 373 - Representative Wilmer moved **HB 373** 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, 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, 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 93

Nays: Boniek, Kasten, Kerns, Mendenhall, Regier, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 374 - Representative Arntzen moved **HB 374** 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, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P.

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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, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Hoven, Kasten, Kerns, McGillvray, Mendenhall, Miller, Randall, Sales, Vincent, Wagner, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, 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 89

Nays: P. Beck, Bennett, Boniek, More, Sales.

Total 5

Excused: Boss Ribs, Mendenhall.

Total 2

Absent or not voting: Grinde, Hoven, Howard, Reichner.

Total 4

MOTIONS

Rep. Campbell moved that **HB 511** be moved from the Health and Human Services Committee to the Agriculture Committee. Motion carried.

Rep. Campbell moved that **HB 497** be moved from the Transportation Committee to the Judiciary Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 483** Motion carried.

HB 483 (Jones, Chief Sponsor)

Senator Windy Boy.

ANNOUNCEMENTS

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Mr. Speaker announced that the 3rd floor snack bar will be open on the Saturday throughout the remainder of the session.

Mr. Speaker announced that there are nearly 90 bills ready or close to being ready for pick up. If you wait for the next week to pick them up, you run the risk of your bill not receiving a proper hearing. I would ask you to either pick these bills up or cancel them as soon as you can. Some committees are already heavily scheduled.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 11, 2009. Motion carried.

House adjourned at 2:30 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House