

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

Helena, Montana
March 5, 2009

House Chambers
State Capitol

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

Roll Call. All members present, except Rep. Belcourt, Rep. Nooney, Rep. Pomnichowski. Quorum present.

Rep. Wiseman announced that the explosion in Bozeman, Montana, occurred because of a gas leak and that it destroyed 3 buildings. Thankfully no one was hurt and he expressed thanks to the Governors office for pledging any and all support needed.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 3/5/2009
SB 161, be concurred in. Report adopted.

EDUCATION (Grinde, Chairman): 3/5/2009
HB 459, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "APPROPRIATION;"

Insert: "REQUIRING A REPORT TO THE LEGISLATURE;"

2. Page 2, line 16.

Insert: "NEW SECTION. **Section 3. Report to legislature.** The program director shall report to the 63rd legislature on how the appropriation in [section 2] was spent."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 459, introduced bill, be amended as follows:

1. Page 1.

Following: line 19

Insert: "(b) Montana state university-Bozeman;"

Renumber: subsequent subsections

2. Page 1.

Following: line 22

Insert: "(f) parent of a pupil;"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SJR 2, be concurred in. Report adopted.

SJR 8, be concurred in. Report adopted.

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JUDICIARY (Stoker, Chairman):

3/5/2009

HB 318, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "and"

Insert: "or"

2. Page 1, line 19.

Following: "bank,"

Insert: "agent of a bank,"

3. Page 2.

Following: line 1

Insert: "(3) "Principal amount of the debt" means the total amount of debt of an individual at the time the individual is accepted into a debt settlement program."

4. Page 2, line 4.

Following: "maintain"

Insert: "insurance"

5. Page 2, line 6.

Following: ". "

Insert: "The debt settlement provider shall, at the request of the attorney general, make available to the attorney general proof of the insurance coverage required by this subsection (1)(a)."

6. Page 2, line 13.

Strike: "In addition" through "include"

Insert: "The annual filing by the debt settlement provider must be accompanied by a filing fee of \$750 and must include, in addition to the financial statement, the following"

7. Page 2, line 21.

Following: "(3)"

Insert: "(a)"

Strike: "is required to"

Insert: "shall"

8. Page 2, lines 22 through 24.

Following: "debtor,"

Strike: remainder of line 22 through "settlement." on line 24

Insert: "that:

(i) there will be fees charged by the debt settlement provider and shall disclose the type and amount of all of those fees;

(ii) the settlement of debts through a debt settlement program might have an impact on the debtor's credit history;

(iii) there may be tax consequences for the debtor as a result of a debt settlement;

(iv) collection activity by the creditor for a debt may continue until the creditor accepts a settlement for that debt;

(v) any settlement amount is an estimate based on the experience of prior customers and is not guaranteed to be accepted by the creditor;

(vi) a creditor may not be forced to accept a proposed settlement;

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(vii) the debtor is required to meet certain savings goals in order to maximize settlement opportunities;
(viii) the debt settlement provider does not provide legal, accounting, tax, or bankruptcy advice or assistance;
(ix) the debt settlement provider will not use a payment made by the debtor to make a payment to a creditor;
and
(x) debt settlement may not be the only option available to the debtor.
(b)"

9. Page 2, line 24.

Strike: "16-point"

Insert: "12-point"

10. Page 2, lines 28 through 29.

Strike: "or accept" on line 28 through "is" on line 29

11. Page 2, line 30.

Following: "fees"

Insert: ", other than setup fees,"

Strike: "are"

Insert: "is"

12. Page 3, line 1.

Following: "debt"

Strike: ";

Insert: ". No more than 5% of the principal amount of the debt may be charged as a setup fee."

13. Page 3, line 12.

Strike: "in connection with the debt settlement provider's activities"

Insert: "for performing debt settlement services"

14. Page 3, line 15.

Following: "agents"

Insert: ", affiliates, or contractors"

15. Page 3, line 16.

Following: "debtor"

Insert: ", a company acting on behalf of the debtor or the debtor's debt settlement provider,"

16. Page 3, line 19.

Strike: "actual services are provided"

Insert: "a written debt settlement services contract has been executed by the debtor containing a schedule of fees in the actual amount to be charged the debtor and stating when those fees will be charged"

17. Page 3, line 21.

Strike: "or"

18. Page 3, line 23.

Following: "plan"

Insert: "; or

(n) violate the provisions of any applicable state or federal do-not-call registry or Title 30, chapter 14, part

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5"

19. Page 3, line 24 through line 25.

Following: "debtor"

Strike: remainder of line 24 through line 25 in its entirety

Insert: "before the contract is completed, the debt settlement provider shall, on request of the debtor, refund 50% of any collected but unrefunded service fee on a pro rata basis for those accounts that have not received a settlement offer by the time of the cancellation. Fees associated with the setup of a debt settlement service contract are not required to be refunded."

And, as amended, do pass. Report adopted.

SB 91, be concurred in. Report adopted.

SB 103, be concurred in. Report adopted.

SB 157, be concurred in. Report adopted.

SB 160, be concurred in. Report adopted.

SB 256, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/5/2009

SB 155, be concurred in. Report adopted.

SB 170, be amended as follows:

1. Page 1, line 29.

Following: "of"

Insert: "the following:

(a) meals, not including alcoholic beverages, when the actual cost exceeds the maximum established in subsection (4)(a); and

(b)"

2. Page 2, line 10.

Following: "for"

Insert: "meal and"

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

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/5/2009

SB 322, introduced by Curtiss

SB 464, introduced by Laslovich

SB 476, introduced by Shockley

FIRST READING AND COMMITMENT OF BILLS

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

HB 641, introduced by A. Noonan, Driscoll, Hands, Wilmer, Wiseman, referred to Federal Relations, Energy, and

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Telecommunications.

HB 642, introduced by French, Campbell, Cohenour, referred to Taxation.

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

SB 322, introduced by Curtiss, referred to Agriculture.

SB 464, introduced by Laslovich, Gallus, Keane, Villa, Hiner, Sesso, P. Noonan, A. Noonan, referred to Federal Relations, Energy, and Telecommunications.

SB 476, introduced by Shockley, referred to Judiciary.

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:

SB 24 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, 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, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, 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 93

Nays: Becker, Jopek, MacDonald, Pease-Lopez.

Total 4

Excused: Belcourt, Nooney, Pomnichowski.

Total 3

Absent or not voting: None.

Total 0

SB 74 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, 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, O'Hara, Pease-Lopez, Peterson, Phillips, 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.

Total 95

Nays: Sales, Mr. Speaker.

Total 2

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Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

SB 116 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, 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, 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 96

Nays: Mendenhall.
Total 1

Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

SB 181 concurred in 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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, 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 94

Nays: Boniek, Sales.
Total 2

Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: Klock.
Total 1

SJR 13 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland,

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Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Hawk, Kasten, Kerns, Lake, Mendenhall, Peterson, Randall, Roberts, Sales.

Total 10

Excused: Belcourt, Nooney, Pomnichowski.

Total 3

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

HB 2 - Discussion is scheduled for March 16 and 17.

HB 2a - Discussion is scheduled for March 24.

Mr. Speaker directed Stg.-at-Arms Tensley to escort the special guests from Rocky Mountain Pre-School into the House Chambers.

Sgt.-at-Arms Tensley introduced Rocky Mountain Pre-School and escorted them into the chambers.

Rocky Mountain Pre-School sang a song, recited the opening of the constitution, and recited the ABC's forward and backwards.

Rocky Mountain Pre-School was escorted from the House Chambers by Sgt.-at-Arms Tensley.

Mr. Speaker thanked our special guests.

**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 Randall in the chair.

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

SB 18 - Representative Hiner moved **SB 18** 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, 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.

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Total 98

Nays: None.

Total 0

Excused: Nooney, Pomnichowski.

Total 2

Absent or not voting: None.

Total 0

SB 23 - Representative Taylor moved **SB 42** be concurred in.

SB 23 - Representative Stahl moved **SB 23**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "GRANTS;"

Insert: "PROVIDING FOR A STATUTORY APPROPRIATION;"

2. Title, line 8.

Following: "15-36-332,"

Insert: "17-7-502,"

3. Page 12, line 18.

Insert: "**Section 5.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 90-6-1001; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May

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2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

4. Page 12, line 25.

Strike: "allocated"

Insert: "statutorily appropriated, as provided in 17-7-502,"

5. Page 12, line 26.

Following: "2-15-1821"

Insert: "until December 31, 2012, and after that date the money in the account is allocated to the coal board"

Amendment **failed** as follows:

Yeas: Ankney, B. Beck, Bennett, Berry, Boniek, Brown, Getz, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, McChesney, Mendenhall, Milburn, More, O'Hara, Peterson, Regier, Roberts, Sales, Smith, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 32

Nays: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Excused: Belcourt, Nooney, Pomnichowski.

Total 3

Absent or not voting: Butcher, Morgan.

Total 2

SB 23 - Representative Taylor moved **SB 23** 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, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall, Stahl, Wagner.

Total 3

Excused: Nooney.

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Total 1

Absent or not voting: None.

Total 0

SB 42 - Representative Hunter moved **SB 42** be concurred in. Motion carried as follows:

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

Total 72

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Hoven, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Roberts, Sales, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn, Welborn.

Total 27

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 53 - Representative K. Peterson moved **SB 53** 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, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Brown, Hawk, Hendrick, Hoven, Kasten, Kerns, Lake, Miller, Reichner, Sales, Sonju, Taylor.

Total 12

Excused: Nooney.

Total 1

Absent or not voting: Himmelberger.

Total 1

SB 88 - Representative MacDonald moved **SB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss

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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, 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, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Bennett, Boniek, Brown, Hawk, Kerns, Lake, Mendenhall, Miller, Wagner, Washburn, Welborn.

Total 12

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 117 - Representative Kasten moved **SB 117** 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, 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: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 130 - Representative Kerns moved **SB 130** be concurred in. 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, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, 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.

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Total 98

Nays: Ankney.

Total 1

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 152 - Representative Kottel moved **SB 152** 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, 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, 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: Hawk.

Total 1

Excused: Nooney.

Total 1

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 Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, 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, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Sales, Sonju, Stahl.

Total 3

Excused: Belcourt, Nooney, Pomnichowski.

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Total 3

Absent or not voting: Mehlhoff.

Total 1

ANNOUNCEMENTS

Rep. De. Brown announced that legislative services division will help explain HB 2 directly after session today.

Rep. Glaser rose on a point of personal privilege.

Rep. Campbell rose on a point of personal privilege.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, March 6, 2009. Motion carried.

House adjourned at 2:06 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House