

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

Helena, Montana
March 24, 2009

House Chambers
State Capitol

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

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

Rep. Brown and the body sang Happy Birthday to Rep. Phillips.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 598, introduced bill, be amended as follows:

3/24/2009

1. Title, line 4.

Strike: "AN ENTERTAINER"

Insert: "A CONTRACT MUSICIAN"

2. Title, line 5 through line 6.

Strike: "PROVIDING" on line 5 through "EXEMPTION;" on line 6

3. Page 4, line 6.

Strike: "an entertainer" through "(7)"

Insert: "a contract musician"

4. Page 5, line 15 through line 20.

Strike: subsection (7) in its entirety

And, as amended, do pass. Report adopted.

SB 84, be concurred in. Report adopted.

SB 86, be concurred in. Report adopted.

SB 127, be concurred in. Report adopted.

SB 133, be amended as follows:

1. Title, line 13.

Following: "PROVISIONS;"

Insert: "REQUIRING THAT INSURED+ PAY ONLY THE REQUIRED COPAYMENT OR OTHER COST-SHARING REQUIREMENT+ FOR COVERED PRESCRIPTION DRUGS AT THE TIME OF PURCHASE;"

2. Title, line 16.

Following: "33-21-113,"

Insert: "33-22-101,"

3. Title, line 17.

Following: "33-22-530,"

Insert: "33-22-602,"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Following: "33-31-311, MCA;"
Strike: "AND"

4. Title, line 18.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

5. Page 22, line 10.

Insert: "**Section 23.** Section 33-22-101, MCA, is amended to read:

"33-22-101. Exceptions to scope. (1) Subject to subsection (2), parts 1 through 4 of this chapter, except 33-22-107, 33-22-110, 33-22-111, 33-22-114, 33-22-125, 33-22-129, 33-22-130 through 33-22-136, 33-22-140, 33-22-141, 33-22-142, 33-22-243, and 33-22-304, and part 19 of this chapter do not apply to or affect:

(a) any policy of liability or workers' compensation insurance with or without supplementary expense coverage;

(b) any group or blanket policy;

(c) life insurance, endowment, or annuity contracts or supplemental contracts that contain only those provisions relating to disability insurance that:

(i) provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(ii) operate to safeguard contracts against lapse or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled as defined by the contract or supplemental contract;

(d) reinsurance.

(2) Sections 33-22-150 through 33-22-152, ~~[section 24]~~, and 33-22-301 apply to group or blanket policies."

Insert: "**NEW SECTION. Section 24. Cost-sharing requirements -- applicability.** (1) Each group or individual health insurance policy, certificate of insurance, and membership contract that covers prescription drugs and that is delivered, issued for delivery, renewed, extended, or modified in this state must provide that after the applicable deductible is met, the insured shall pay only the required copayment or other cost-sharing requirement for a covered prescription drug at the time of purchase if the prescription drug dispenser, third-party administrator, or health insurance issuer can determine that amount at the time of purchase.

(2) This section applies to blanket policies issued pursuant to Title 33, chapter 22, part 6.

(3) This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, or long-term care policies."

Renumber: subsequent sections

6. Page 25, line 10.

Insert: "**Section 29.** Section 33-22-602, MCA, is amended to read:

"33-22-602. Required provisions of blanket policies. ~~Any~~ An insurer authorized to write disability insurance in this state ~~shall have~~ has the power to issue blanket disability insurance. ~~No such~~ A blanket policy may ~~not~~ be issued or delivered in this state unless a copy of the policy form ~~thereof shall have been~~ is filed in accordance with 33-1-501. ~~Every such~~ A blanket policy ~~shall must~~ contain provisions ~~which that~~ in the opinion of the commissioner are at least as favorable to the policyholder and the individual insured as the following: ~~a provision that provisions:~~

(1) the policy and the application ~~shall~~ constitute the entire contract between the parties, ~~and that~~ all statements made by the policyholder ~~shall are~~, in absence of fraud, ~~be deemed~~ considered representations and not warranties, ~~and that no such~~ statements ~~shall may not~~ be used in defense to a claim under the policy; unless it is contained in a written application;

(2) written notice of sickness or of injury must be given to the insurer within 20 days after the date when ~~such the~~ sickness or injury occurred. Failure to give notice within ~~such time shall~~ 20 days may not invalidate or reduce ~~any a~~ claim if it ~~shall be shown not to have been~~ the insured shows that it was not reasonably possible to give ~~such the required~~ notice and that notice was given as soon as was reasonably possible.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

(3) the insurer will furnish to the policyholder ~~such forms as are usually furnished by it~~ for filing proof of loss. If ~~such forms are not furnished before the expiration of~~ within 15 days after the giving of such notice ~~insured provided notice of sickness or injury,~~ the claimant ~~shall be deemed is considered~~ to have complied with the requirements of the policy as to proof of loss upon submitting, within the time ~~fixed~~ established in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.

(4) in the case of a claim for loss of time for disability, written proof of ~~such the~~ loss must be furnished to the insurer within 30 days after the commencement of the period for which the insurer is liable and ~~that~~ subsequent written ~~proofs~~ proof of the continuance of ~~such the~~ disability must be furnished to the insurer at ~~such~~ intervals as established by the insurer, ~~may reasonably require and that in~~ In the case of a claim for any other loss, written proof of ~~such the~~ loss must be furnished to the insurer within 90 days after the date of ~~such the~~ loss. Failure to furnish ~~such~~ proof within ~~such time shall~~ 90 days may not invalidate or reduce any a claim if it ~~shall be shown not to have been the insured shows it was not~~ reasonably possible to furnish ~~such the required~~ proof and that ~~such~~ proof was furnished as soon as was reasonably possible.

(5) ~~except as provided in [section 24],~~ all benefits payable under the policy other than benefits for loss of time ~~will be~~ are payable immediately upon receipt of ~~due~~ written proof of ~~such the~~ loss, ~~and that, subject~~ Subject to ~~due~~ proof of loss, all accrued benefits payable under the policy for loss of time ~~will~~ must be paid ~~not later than at the expiration of each period of at least every 30 days during the continuance of the period for which the insurer is liable,~~ ~~and that any~~ Any balance remaining unpaid at the termination of ~~such period will~~ the period of liability must be paid immediately upon receipt of ~~such the~~ proof; of loss.

(6) the insurer at its own expense ~~shall have~~ has the right and opportunity to examine the person of the insured when and ~~so as~~ often as it ~~may~~ reasonably require ~~required~~ during the pendency of a claim under the policy and also the right and opportunity to make an autopsy in case of death ~~where~~ when it is not prohibited by law;

(7) ~~no an~~ action at law or in equity ~~shall may not~~ be brought to recover a loss under the policy ~~prior to the expiration of~~ sooner than 60 days after written proof of loss has been furnished in accordance with the requirements of the policy and ~~that no such action shall be brought after the expiration of~~ no later than 3 years after the time written proof of loss is required to be furnished.""

Renumber: subsequent sections

7. Page 32, line 14.

Following: "33-22-152,"

Insert: "[section 24],"

8. Page 33, line 11.

Following: "33-22-152,"

Insert: "[section 24],"

9. Page 33, line 23.

Insert: "NEW SECTION. Section 36. Codification instruction. [Section 24] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 24]."

Renumber: subsequent section

10. Page 33, line 25.

Insert: "NEW SECTION. Section 38. Applicability. [Section 24] applies to policies, certificates, and membership contracts that are delivered, issued, renewed, extended, or modified on or after January 1, 2010."

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

SB 151, be concurred in. Report adopted.

SB 174, be amended as follows:

1. Page 7, line 14.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Following: "certified"
Insert: "clinical"

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

SB 275, be concurred in. Report adopted.
SB 356, be concurred in. Report adopted.
SB 444, be concurred in. Report adopted.

EDUCATION (Grinde, Chairman): 3/24/2009
SJR 25, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 3/24/2009
HJR 30, be adopted. Report adopted.
SB 124, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman): 3/24/2009
SB 222, be concurred in. Report adopted.
SB 249, be concurred in. Report adopted.
SB 268, be concurred in. Report adopted.
SB 349, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 23**

Report No. 1, March 24, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 23** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 23** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Strike: "APPLICABILITY"

Insert: "IMMEDIATE EFFECTIVE"

2. Page 2, line 8 through line 9.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

For the House:

Phillips, Chairman
D. Brown
Himmelberger
McAlpin

For the Senate:

Gebhardt, Chairman
Gallus
Gebhardt

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/23/2009

SB 264, introduced by Brueggeman

SB 429, introduced by Zinke

SB 467, introduced by Balyeat

House bills concurred in and returned to the House: 3/23/2009

HB 21, introduced by Dickenson

HB 155, introduced by Pomnichowski

HB 193, introduced by Augare

HB 307, introduced by Roberts

HB 322, introduced by Blewett

HB 326, introduced by Mendenhall

HB 372, introduced by Wilmer

HB 387, introduced by Reichner

HB 621, introduced by Wilson

Conference Committee Report No.1 adopted: 3/23/2009

SB 74, introduced by Laible

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/23/2009

HB 150, introduced by D. Brown

HB 195, introduced by Hamilton

HB 291, introduced by Sonju

HB 354, introduced by Glaser

HB 397, introduced by Kottel

HB 407, introduced by MacDonald

MESSAGES FROM THE GOVERNOR

March 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 171, "**AN ACT REPEALING LAWS REGULATING PROFESSIONAL AND SEMIPROFESSIONAL COMBATIVE EVENTS; AMENDING SECTION 2-6-109, MCA; REPEALING SECTIONS 23-3-301, 23-3-402, 23-3-404, 23-3-405, 23-3-501, 23-3-502, 23-3-601, 23-3-602, 23-3-603, AND 23-3-611, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill 171, as passed by the legislature, repeals all state regulation of professional and semiprofessional combative events. Those events include boxing, wrestling, mud wrestling, martial arts, and other combative events. My proposed amendments would retain state regulation of professional boxing, only, which will have the effect of allowing professional boxing events in Montana to be held in conformity with national safety standards for boxing. Without such amendments, the concern is that any professional boxing events in Montana would go unregulated and would not be recognized nationally. None of the other combative events currently regulated by the state have federal safety counterparts.

I have discussed the amendments with the bill's sponsor, Representative Augare, who has no objection.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 171

2. Title, line 5.

Following: "ACT"

Strike: "REPEALING"

Insert: "RETAINING THE REGULATION OF PROFESSIONAL BOXING AND ELIMINATING ALL OTHER"

3. Title, line 6.

Strike: "SECTION 2-6-109, MCA; REPEALING"

4. Title, line 7.

Following: "23-3-602,"

Insert: "AND"

Strike: "AND 23-3-611,"

5. Page 1, line 12 through page 2, line 17.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 23-3-301, MCA, is amended to read:

"**23-3-301. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "~~Combative events~~" means a match, exhibition, contest, show, or tournament involving contestants in boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.

~~(2)~~(1) "Contestant" means a professional or semiprofessional practitioner of boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.

~~(3)~~(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(3) "Professional boxing" means a match, exhibition, contest, show, or tournament involving the sport of

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

professional boxing as defined by the department by rule, consistent with federal law governing boxing safety.

(4) "Program" means a set of operations governed by the statutes in this chapter and the rules adopted by the department under this chapter."

{Internal References to 23-3-301: None.}"

Insert: "Section 2. Section 23-3-402, MCA, is amended to read:

"23-3-402. Enforcement of rules. (1) The department may designate in writing a representative to act specifically on behalf of the department but only within the scope of the written authority.

(2) The representative shall attend and supervise a combative professional boxing event and has the authority from the department to enforce rules adopted under this chapter."

{Internal References to 23-3-402: None.}"

Insert: "Section 3. Section 23-3-404, MCA, is amended to read:

"23-3-404. Jurisdiction -- license required -- contestant participation. (1) The department has sole management, control, and jurisdiction over each professional or ~~semiprofessional combative~~ boxing event involving recognition, a prize, or a purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state; ~~except a combative event conducted:~~

~~_____ (a) by a university, college, or high school; or~~

~~_____ (b) by the military.~~

(2) An organization or individual may not conduct a combative professional boxing event within the department's jurisdiction unless the organization or individual is the holder of an appropriate license granted by the department.

(3) A referee, manager, or judge may not participate in a combative professional boxing event within the department's jurisdiction unless:

(a) the individual is licensed by the department; and

(b) the combative professional boxing event is conducted by an organization or individual licensed by the department.

(4) A contestant may not participate in a combative professional boxing event within the department's jurisdiction unless:

(a) the contestant is licensed by the department;

(b) the combative professional boxing event is conducted by an organization or individual licensed by the department; and

(c) the department has not suspended the right of the contestant to participate under 23-3-603."

{Internal References to 23-3-404: None.}"

Insert: "Section 4. Section 23-3-405, MCA, is amended to read:

"23-3-405. Rules. (1) The department may adopt rules for the administration and enforcement of this chapter.

(2) (a) The rules must include the granting, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct combative professional boxing events or to be licensed as referees, managers, or judges. License qualifications must include appropriate knowledge, experience, and integrity.

(b) The rules may include but are not limited to the following:

(i) the labeling of a match as a championship match;

(ii) the number and length of rounds and the weight of gloves;

(iii) the extent and timing of the physical examination of contestants;

(iv) the attendance of a referee and the referee's powers and duties; and

(v) review of decisions made by officials.

(3) The rules must:

(a) meet or exceed the safety codes required by recognized professional boxing, ~~wrestling, and other~~ organizations conducting combative professional boxing events;

(b) provide reasonable measures for the fair conduct of the combative professional boxing events and for the protection of the health and safety of the contestants;

(c) require a physical examination of each contestant prior to each combative professional boxing event;

(d) provide for the qualifications of judges, referees, and seconds and for their payment by the promoter;

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

and

(e) provide for the attendance at ringside of one or more of the following and require the promoter to pay for that person's attendance:

- (i) a licensed physician as defined in 37-3-102;
- (ii) a licensed physician assistant as defined in 37-20-401; or
- (iii) a licensed advanced practice registered nurse as defined in 37-8-102."

{Internal References to 23-3-405: None.}"

Insert: "Section 5. Section 23-3-501, MCA, is amended to read:

"23-3-501. Licenses -- fees. (1) The department may issue a license to a professional ~~or semiprofessional~~ promoter of ~~combative~~ professional boxing events, whether an individual or organization, for the sole purpose of conducting professional ~~or semiprofessional combative~~ boxing events.

(2) The department may issue licenses to qualified referees, managers, contestants, seconds, trainers, and judges.

(3) A license issued in accordance with subsections (1) and (2) expires on the date set by department rule.

(4) Each application for a license under this section must be accompanied by a fee, as provided in 37-1-134, set by the department."

{Internal References to 23-3-501: None.}"

Insert: "Section 6. Section 23-3-502, MCA, is amended to read:

"23-3-502. Bond -- conditions. (1) A license to conduct professional ~~or semiprofessional combative~~ boxing events may not be issued unless the licensee has executed a bond in the sum of not less than \$5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of this chapter and the rules of the department."

{Internal References to 23-3-502: None.}"

Insert: "Section 7. Section 23-3-601, MCA, is amended to read:

"23-3-601. Report of ticket sales -- tax on gross receipts -- disposition of money received. (1) An individual or organization licensed to conduct a ~~combative~~ professional boxing event shall, within 24 hours after the completion of each ~~combative~~ event, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the ~~combative~~ event, the amount of gross proceeds, and other matters that the department prescribes and shall also within 24 hours pay to the department a tax of 5% of its total gross receipts after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department under this chapter must be deposited in the state special revenue fund for the use of the program, subject to 37-1-101(6)."

{Internal References to 23-3-601:

23-3-602 X}"

Insert: "Section 8. Section 23-3-602, MCA, is amended to read:

"23-3-602. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax. (1) If an individual or organization fails to make a report of a ~~combative~~ professional boxing event at the time prescribed by 23-3-601 or if the report is unsatisfactory to the department, the department may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of determining the total amount of its gross receipts for a ~~combative~~ professional boxing event and the amount of tax due under this chapter.

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to the individual or organization of the amount due, the delinquent individual or organization forfeits its license and is disqualified from receiving a new license."

{Internal References to 23-3-602: None.}"

Insert: "Section 9. Section 23-3-603, MCA, is amended to read:

"23-3-603. Discipline. (1) A license issued under the provisions of this chapter may, after notice and opportunity for hearing, be revoked or suspended by the department for a violation of the provisions of this chapter or any rule of the department.

(2) The department may, after notice and opportunity for hearing, reprimand any contestant or suspend, for a period not to exceed 1 year, the contestant's right to participate in any ~~combative~~ professional boxing event

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

conducted by any licensee for:

- (a) conduct unbecoming a contestant while engaged in or arising directly from any ~~combative~~ professional boxing event;
- (b) failure to compete in good faith or engaging in any sham ~~combative~~ professional boxing event; or
- (c) the use of threatening or abusive language toward officials or spectators."

{Internal References to 23-3-603:

23-3-404 x}"

Insert: "NEW SECTION. Section 10. {standard} Effective date. [This act] is effective on passage and approval."

- END -

FIRST READING AND COMMITMENT OF BILLS

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

- HB 676**, introduced by Sesso, referred to Appropriations.
- HB 677**, introduced by Villa, Keane, referred to Appropriations.
- HB 678**, introduced by Pomnichowski, Milburn, referred to Natural Resources.

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

- SB 264**, introduced by Brueggeman, referred to Taxation.
- SB 429**, introduced by Zinke, referred to Appropriations.
- SB 467**, introduced by Balyeat, referred to Taxation.

**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 Milburn in the chair.

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

HB 55 - Senate Amendments - Representative Hawk moved Senate 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, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, 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: None.

Total 0

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Excused: None.
Total 0

Absent or not voting: Hollandsworth.
Total 1

HB 623 - Senate Amendments - Representative Himmelberger moved Senate amendments to **HB 623** 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, 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, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Boniek, Ebinger.
Total 2

Excused: None.
Total 0

Absent or not voting: Taylor.
Total 1

Representative Sesso rose on a point of personal privilege to give an overview of **HB 10**.

HB 10 - Representative Wiseman moved **HB 10** do pass. Motion requires **2/3** majority vote of each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.
Total 29

Excused: None.
Total 0

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Absent or not voting: Jones.
Total 1

HB 11 - Representative Sesso introduced **HB 11**.

HB 11 - Representative Kasten moved **HB 11** be amended as follows:

1. Page 4, line 12.

Following: line 11

Insert: "67. Brockton, Town of (wastewater) 750,000"

2. Page 5, line 6.

Strike: "\$6,512,000"

Insert: "\$7,262,000"

Motion to amend, 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, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Brown, Kerns, Mendenhall, Sales, Sonju.

Total 6

Excused: Howard.

Total 1

Absent or not voting: Stahl.

Total 1

HB 11 - Representative Sesso moved **HB 11** do pass, as amended. 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, Jones, Jopek, Kasten, 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, 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 91

Nays: Boniek, Brown, Ingraham, Kerns, Mendenhall, More, Randall, Sales, Wagner.

Total 9

Excused: None.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Total 0

Absent or not voting: None.

Total 0

HB 130 - Representative Stoker moved **HB 130** 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, Jones, Jopek, Kasten, Klock, Kottel, Lake, 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, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Kerns, Mendenhall, Miller, Randall, Regier, Sales, Smith, Sonju, Vance.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 131 - Representative Stoker moved **HB 131** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Jones, Kerns, McGillvray, McNutt, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Representative Stoker moved **HB 132** do pass. Motion carried as follows:

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

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

Total 80

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Ingraham, Kerns, McGillvray, Mendenhall, Randall, Regier, Sales, Smith, Sonju, Stahl, Vance, Warburton.

Total 19

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

HB 152 - Representative Hamilton moved **HB 152** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, 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, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Boniek, Ingraham, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 19

Excused: None.

Total 0

Absent or not voting: A. Noonan.

Total 1

HB 173 - Representative Hendrick moved **HB 173** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, 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, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 - Representative Sesso moved **HB 213** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Vance, Wagner, Warburton.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 250 - Representative MacLaren moved **HB 250** 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, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Boniek, Brown, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Sales, Smith, Sonju, Vincent, Wagner, Warburton.
Total 14

Excused: None.
Total 0

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Absent or not voting: Hoven.
Total 1

HB 258 - Representative McChesney moved **HB 258** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Milburn moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Jopek, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.
Total 25

Excused: Howard.
Total 1

Absent or not voting: Boss Ribs, Himmelberger, Milburn, Stahl.
Total 4

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/24/2009

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

HB 52, introduced bill, be amended as follows:

1. Page 2, line 25.
Strike: "\$4.2 million"
Insert: "\$900,000"

2. Page 2, line 30.
Strike: "\$4.2 million"
Insert: "\$900,000"

And, as amended, do pass. Report adopted.

HB 110, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: "ESTABLISHING" on line 9 through "PROGRAM;" on line 10
2. Page 1, line 18.
Following: "agency"
Insert: ", including summary information on average cost per square foot for each municipality,"
3. Page 1, line 23.
Following: "state"
Insert: ", including buildings in other municipalities,"
4. Page 1, line 25.
Following: "building"
Insert: ", including buildings in other municipalities,"
5. Page 2, line 22 through page 3, line 2.
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

HB 280, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "YEARS;"
Strike: "TRANSFERRING GENERAL FUND MONEY;"
2. Page 2, line 12 through line 13.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 464, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: subsection (2) in its entirety

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Renumber: subsequent subsections

2. Page 1, line 18.

Strike: "\$1,000"

Insert: "\$500"

3. Page 1, line 21.

Strike: "\$2,000"

Insert: "\$1,000"

4. Page 1, line 23.

Strike: "\$15,000"

Insert: "\$7,500"

5. Page 1, line 24.

Strike: "\$22,500"

Insert: "\$11,250"

6. Page 1.

Following: line 28

Insert: "NEW SECTION. **Section 3. Coordination instruction.** If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for the advancing agricultural education in Montana program for the purposes of [this act], then [this act] is void."

And, as amended, do pass. Report adopted.

HB 472, do pass. Report adopted.

HB 562, do pass. Report adopted.

HB 578, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "department"

Insert: "board"

2. Page 1, line 29.

Strike: subsection (3) in its entirety

3. Page 2, line 3.

Strike: "department"

Insert: "board"

4. Page 2, line 7.

Strike: "department"

Insert: "board"

5. Page 2, line 22 through line 23.

Following: "board" on line 22

Strike: "of medical" on line 22 through "of any" on line 23

Insert: "may take"

Following: "disciplinary action"

Strike: "taken"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

6. Page 2, line 24.

Strike: ", and the department"

Insert: "as provided in Title 37 and"

7. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 8. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent sections

8. Page 2, line 28.

Strike: "Title 53, chapter 5," in two places

Insert: "Title 37, chapter 3," in two places

And, as amended, do pass. Report adopted.

HB 634, do pass. Report adopted.

HB 644, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "\$300,000"

Insert: "\$200,000"

2. Page 2, line 6.

Strike: "\$300,000"

Insert: "\$200,000"

And, as amended, do pass. Report adopted.

HB 676, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman)

3/24/2009

SB 95, be amended as follows:

1. Page 1, line 16 through line 17.

Strike: the first "total" on line 16 through "plus nitrite" on line 17

Insert: "nutrients"

2. Page 3.

Following: line 6

Insert: "(20) "Nutrient work group" means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on the base numeric nutrient standards, the development of temporary nutrient criteria, and the implementation of those standards and criteria together with associated economic impacts."

Renumber: subsequent subsections

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

3. Page 4, line 23 through line 24.

Strike: the first "total" on line 23 through "plus nitrite" on line 24

Insert: "nutrients"

4. Page 4, line 25.

Strike: "substantial and widespread"

5. Page 5, line 23.

Strike: "for total" through "plus nitrite"

6. Page 5, line 25.

Strike: "substantial and widespread"

7. Page 5, line 27 through line 30.

Strike: "department' s" on line 27 through "1995" on line 30

Insert: "department, in consultation with the nutrient work group, shall develop guidelines to ensure that the economic impacts from base numeric nutrient standards on public and private systems are equally and adequately addressed. In developing those guidelines, the department and the nutrient work group shall consider economic impacts appropriate for application within Montana and may also consider relevant guidance of the United States environmental protection agency pertaining to analysis of economic impacts from water quality standards"

8. Page 6, line 1.

Strike: "substantial and widespread"

9. Page 6.

Following: line 5

Insert: "(c) The department shall consult with the nutrient work group prior to recommending base numeric nutrient standards or criteria to the board and shall continue to consult with the nutrient work group in implementing temporary nutrient criteria."

10. Page 6, line 10.

Strike: "board"

Insert: "department"

11. Page 6, line 15.

Strike: "EVEN-NUMBERED"

Following: "DEPARTMENT"

Insert: ", in consultation with the nutrient work group,"

12. Page 6, line 16.

Strike: "THE RESULTS" through "PERIOD"

Insert: "by providing a summary of the status of the base numeric nutrient standards, temporary nutrient criteria, and implementation of those criteria, including estimated economic impacts"

13. Page 6.

Following: line 16

Insert: "(d) On or before September 1 of each year preceding the convening of a regular session of the legislature, the department, in consultation with the nutrient work group, shall summarize the previous two reports

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

provided in subsection (4)(c) to the environmental quality council in accordance with 5-11-210."

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

BUSINESS AND LABOR (Wilson, Chairman):
SB 176, be amended as follows:

3/24/2009

1. Title, line 6.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 1, line 29.
Strike: "July 1, 2009"
Insert: "on passage and approval"

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

SB 247, be amended as follows:

1. Title, line 7.
Strike: "PURCHASE"
Insert: "ACQUISITION"

2. Page 1, line 22.
Strike: "and"

3. Page 1, line 23.
Following: "kegs"
Insert: "; and
(i) precious metals, including catalytic converters"

4. Page 1, line 26.
Following: "paying"
Strike: "compensation"
Insert: ", trading, or bartering"
Following: "for"
Insert: "or collecting"

5. Page 2, line 4.
Following: the first "metal"
Strike: "purchase"
Insert: "acquisition"
Following: the second "metal"
Strike: "purchase"

6. Page 2, line 6.
Following: "metal"
Strike: "purchase"
Insert: "acquisition"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

7. Page 2, line 8.

Following: "metal"

Strike: "purchase"

Insert: "acquisition"

8. Page 2, line 9.

Following: "metal"

Strike: "purchase"

Insert: "acquisition"

9. Page 2, line 12.

Following: "description"

Insert: ", using scrap specifications recognized by the institute of scrap recycling industries, inc.,"

Following: "property"

Strike: "purchased"

Insert: "acquired"

10. Page 2, line 17.

Following: "SELLER"

Insert: "or transferor"

11. Page 2, line 18.

Following: "seller"

Insert: "or transferor"

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

MESSAGES FROM THE SENATE

SB 495, introduced by Story, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/24/2009

Yeas - 42

Nays - 8

Senate bills passed and transmitted to the House for concurrence:

3/24/2009

SB 22, introduced by Murphy

SB 244, introduced by Balyeat

SB 446, introduced by Story

SB 498, introduced by Bales

House bills concurred in and returned to the House:

3/24/2009

HB 54, introduced by Ingraham

HB 146, introduced by MacLaren

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

3/24/2009

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

HB 197, introduced by Ebinger
HB 317, introduced by Furey
HB 365, introduced by Roberts
HB 622, introduced by Himmelberger

Free Conference Committee Report No.1 adopted:

3/24/2009

SB 74, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

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

SB 22, introduced by Murphy (by request of the Environmental Quality Council), referred to Natural Resources.
SB 244, introduced by Balyeat, Arntzen, Bales, Balyeat, Barkus, De. Barrett, Bennett, Berry, Black, Boniek, Brenden, R. Brown, T. Brown, Brueggeman, Cohenour, Curtiss, Ebinger, Gallus, Gebhardt, Hamlett, Himmelberger, Hinkle, Hoven, Jackson, Kasten, Kaufmann, Keane, Laible, Larsen, Laslovich, McGillvray, McNutt, Murphy, Perry, J. Peterson, K. Peterson, Sales, Smith, Steinbeisser, Wanzenried, Welborn, Zinke, referred to Taxation.
SB 446, introduced by Story, Gillan, Brueggeman, Keane, Keane, R. Brown, Larsen, Becker, A. Noonan, referred to Human Services.
SB 495, introduced by Story, referred to State Administration.
SB 498, introduced by Bales, Essmann, Story, Keane, referred to Federal Relations, Energy, and Telecommunications.

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 7 passed as follows:

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

Total 88

Nays: Bennett, Boniek, Ingraham, Kerns, Lake, McGillvray, More, Randall, Smith.

Total 9

Excused: Howard.

Total 1

Absent or not voting: Sales, Wagner.

Total 2

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

HB 8 passed as follows:

Yeas: 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, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Noonney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Ingraham, Kerns, Lake, McGillvray, More, Randall, Sales, Smith.

Total 9

Excused: Howard.

Total 1

Absent or not voting: Ankney, Butcher, Wagner.

Total 3

HB 9 passed as follows:

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

Total 68

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 30

Excused: Howard.

Total 1

Absent or not voting: Wagner.

Total 1

HB 548 passed as follows:

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

Total 56

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 43

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 73 concurred in as follows:

Yeas: Augare, Barrett, B. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Ankney, Arntzen, Bean, P. Beck, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Peterson, Regier, Roberts, Smith, Stoker, Wagner, Warburton, Washburn, Welborn.

Total 28

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 111 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, 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 98

Nays: Kerns.

Total 1

Excused: Howard.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Total 1

Absent or not voting: None.

Total 0

SB 143 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, 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, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Kerns, More, Stoker, Wagner.

Total 4

Excused: Howard.

Total 1

Absent or not voting: Welborn.

Total 1

SB 185 concurred in as follows:

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

Total 83

Nays: Ankney, Barrett, Bean, Brown, Butcher, Dickenson, Hawk, Hollandsworth, Kasten, Lake, Menahan, Pomnichowski, Sales, Sonju.

Total 14

Excused: Howard.

Total 1

Absent or not voting: Blasdel, Warburton.

Total 2

SB 188 concurred in 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, Driscoll, Ebinger, Fleming,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, 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 95

Nays: Dickenson, Lake, MacLaren, Pomnichowski.
Total 4

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 340 concurred in 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, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, 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, 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: Hawk, Lake, Pomnichowski.
Total 3

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SJR 9 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Kasten, Kerns, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 38

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

The House recessed until 5:00 p.m.

The House came to order at 5:00 p.m.

Rep. McGillvray moved for a Roll Call vote. Quorum present.

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Campbell, Cohenour, Driscoll, Ebinger, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: None.

Total 0

Excused: Howard, Mendenhall.

Total 2

Absent or not voting: Bean, Becker, Belcourt, Bennett, Blewett, Butcher, Caferro, Dickenson, Fleming, French, Furey, Hands, Hoven, Jopek, MacDonald, McClafferty, More, A. Noonan, Regier, Reichner, Roundstone, Sands, Stahl, Taylor, Wagner, Warburton, Washburn.

Total 27

**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 Milburn in the chair.

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

HB 333 - Representative P. Noonan moved **HB 333** do pass. Motion carried as follows:

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

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: B. Beck, Bennett, Boniek, Brown, Kerns, Lake, MacLaren, Mendenhall, More, Peterson, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton, Washburn.

Total 22

Excused: None.

Total 0

Absent or not voting: Glaser, Klock.

Total 2

HB 411 - Representative Grinde moved **HB 411** do pass. Motion carried as follows:

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

Total 59

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 40

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 459 - Representative Grinde moved **HB 459** do pass. Motion carried as follows:

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

Total 72

Nays: Bennett, Berry, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Klock, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Vance, Vincent, Wagner, Warburton, Washburn.

Total 28

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 487 - Representative McNutt moved **HB 487** 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, Hamilton, Hands, 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, More, Morgan, 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 93

Nays: Hawk, Kasten, Kerns, Lake, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: Grinde, A. Noonan.
Total 2

HB 577 - Representative Caferro moved **HB 577** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 - Representative Jones moved **HB 611** do pass. Motion **failed** as follows:

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

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

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, Klock, Kottel, Lake, MacDonald, MacLaren, 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 96

Nays: Hawk, Kerns, Malek, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 629 - Representative Glaser moved **HB 629** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, 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, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Malek, Mendenhall, Randall, Sales, Welborn.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 659 - Representative Roberts moved **HB 659** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, Belcourt, Bennett, Berry, Blewett, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Klock, Kottel, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Nooney, O'Hara, Peterson, Regier, Roberts, Smith, Villa, Vincent, Warburton, Washburn, Welborn, Wilson.
Total 51

Nays: Barrett, B. Beck, P. Beck, Becker, Blasdel, Boland, Boniek, Caferro, Dickenson, French, Hawk, Hendrick, Hollenbaugh, Hunter, Jopek, Kasten, Kerns, Lake, MacDonald, Malek, McAlpin, McClafferty, Mendenhall, Miller,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

More, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Wagner, Wilmer, Wiseman, Mr. Speaker.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 583 - Representative Fleming introduced **HB 583**.

HB 583 - Representative Villa moved **HB 583** be amended, as follows:

1. Title, page 1, line 7.

Following: "AGRICULTURE;"

Strike: "PROVIDING A FUND TRANSFER;"

2. Page 2.

Strike: Section 2 in its entirety

Renumber: subsequent sections

3. Page 2, line 21.

Following: "of agriculture from the"

Strike: "general fund"

Insert: "amount allocated in 15-35-108(9)(b)(ii) to the growth through agriculture program provided for in Title 90, chapter 9,"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Bean, Belcourt, Blasdel, Brown, Butcher, Dickenson, Driscoll, Hawk, Hollandsworth, Kasten, Lake, Miller, More, Reichner, Reinhart, Wagner, Warburton, Washburn.
Total 18

Excused: Howard, Mendenhall.
Total 2

Absent or not voting: Grinde, Steenson.
Total 2

HB 583 - Representative Fleming moved **HB 583** do pass, as amended. Motion carried as follows:

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 62

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

HB 5 - Representative Sesso moved **HB 5** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, 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, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent.

Total 26

Excused: None.

Total 0

Absent or not voting: Grinde, Stahl.

Total 2

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

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

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2009

Total 79

Nays: Bennett, Berry, Boniek, Hawk, Kerns, Lake, McGillvray, Miller, More, Randall, Regier, Sales, Smith, Vance, Vincent.

Total 15

Excused: Howard, Mendenhall.

Total 2

Absent or not voting: Himmelberger, Hollandsworth, Hoven, Washburn.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, March 25, 2009. Motion carried.

House adjourned at 5:55 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House