

**SENATE JOURNAL
61ST LEGISLATURE
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 9, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Gallus, excused. Quorum present.

BILLS AND JOURNALS:

2/9/2009

Correctly printed: **SB 58, SB 102, SB 193, SB 201, SB 206, SB 228, SB 261, SB 297, SB 309, SB 311, SB 340, SB 341, SB 387, SB 388, SB 389, SB 390, SB 391, SB 392, SB 393, SB 394, SB 395, SB 396, SB 397, SB 398, SB 399, SB 400, SB 401, SJR 20, SJR 21, SJR 22, SR 7.**

Correctly engrossed: **SB 281.**

LEGISLATIVE ADMINISTRATION (Curtiss, Chairman):

2/9/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Saturday, February 7, 2009:

TITLE

NAME

Pages:	Faith Grover, Helena
	Taylor Billing, Jordon
	Kari Rice, Helena
	Charles French, Paradise
	Brice Grotbo, Shelby
	Morgan Boharski, Kalispell
	Madison Brooke, Bozeman

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 9, 2009:

TITLE

NAME

Pages:	Jordan Marquis, Great Falls
	Dylan Klapmeier, Forsyth
	Madison Olson, Great Falls
	Brenna Howard, Great Falls
	Michael Steppler, Brockton
	Kyndall Miller, Laurel
	Kelsey Colbert, Missoula

Report Adopted.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Gebhardt, Chairman):

2/3/2009

SB 95, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "WATER;"

Insert: "ESTABLISHING A TIME LIMIT FOR TEMPORARY CRITERIA; REQUIRING A REPORT TO THE ENVIRONMENTAL QUALITY COUNCIL;"

2. Page 6, line 7.

Following: "(4)"

Insert: "(a)"

3. Page 6.

Following: line 9

Insert: "(b) Temporary nutrient criteria may be established for a period not to exceed 20 years and must be reviewed by the department every 5 years from the date of adoption to ensure that the justification for their adoption is still valid.

(c) On or before July 1 of each even-numbered year, the department shall report to the environmental quality council the results of each review conducted in the previous 2-year period."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/7/2009

HB 150, introduced by D. Brown

HB 159, introduced by Augare

FIRST READING AND COMMITMENT OF BILLS

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

SB 402, introduced by J. Peterson, Bales, Barkus, Bergren, Brenden, D. Brown, R. Brown, T. Brown, Campbell, Esp, Hansen, Hinkle, Hollandsworth, Jones, Keane, Kerns, Lake, McChesney, McGee, McNutt, Milburn, Sales, Shockley, Stoker, Story, Tutvedt, referred to Judiciary.

SB 403, introduced by Gebhardt, Lewis, Laslovich, A. Noonan, Klock, referred to Energy and Telecommunications.

SB 404, introduced by Brueggeman, Jent, Barkus, O'Hara, Sesso, B. Beck, Hollenbaugh, Jones, referred to Fish and Game.

SB 405, introduced by Moss, referred to Judiciary.

SB 406, introduced by McGee, referred to Judiciary.

SB 407, introduced by Ripley, Steinbeisser, Milburn, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Moss, referred to Education and Cultural Resources.

MOTIONS

Senator Gebhardt moved **SJR 21** be moved from the Agriculture, Livestock and Irrigation committee to the Natural Resources committee. Motion carried.

Senator Gallus present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

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

SB 71 - Senator Erickson moved **SB 71** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 - Senator Laible moved **SB 83** do pass. Motion carried as follows:

Yeas: Balyeat, Barkus, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Hinkle, Jackson, Juneau, Keane, Laible, Larsen, Lewis, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 35

Nays: Bales, Barrett, R. Brown, Erickson, Esp, Hamlett, Jent, Kaufmann, Laslovich, McGee, Perry, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 162 - Senator Debby Barrett moved **SB 162** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, J. Tropila, Mr. President.

Total 26

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 204 - Senator Moss moved **SB 204** do pass. Motion carried as follows:

Yeas: Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 32

Nays: Bales, Balyeat, Barkus, Barrett, R. Brown, Curtiss, Esp, Gebhardt, Hinkle, Laible, Lewis, McGee, Perry, Peterson, Ripley, Shockley, Tutvedt, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 242 - Senator Balyeat moved **SB 242** do pass.

Senator Peterson moved that **SB 242** be passed for the day. Motion carried.

SB 243 - Senator Balyeat moved **SB 243** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 25

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 243** will progress as though it had received the majority vote.

SB 276 - Senator Squires moved **SB 276** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss,

Murphy, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 35

Nays: Barkus, R. Brown, Curtiss, Esp, Gebhardt, Hinkle, Laible, McGee, Perry, Peterson, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Perry excused at this time.

SB 289 - Senator Jackson moved **SB 289** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Gebhardt, Hinkle, Jackson, Laslovich, Lewis, McGee, Murphy, Peterson, Ripley, Shockley, Steinbeisser, Mr. President.
Total 22

Nays: Branae, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 27

Absent or not voting: None.
Total 0

Excused: Perry.
Total 1

Senator Perry present at this time.

SB 289 - Senator Williams moved **SB 289** be **indefinitely postponed**. Motion carried as follows:

Yeas: Branae, R. Brown, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, McGee, Moss, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 32

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Brueggeman, Curtiss, Hinkle, Jackson, Laslovich, Lewis, Murphy, Perry, Ripley, Shockley, Steinbeisser.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 9 - Senator Wanzenried moved **SJR 9** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss,

Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 17 - Senator Perry moved **SJR 17** do pass.

Senator Perry moved **SJR 17**, second reading copy, be amended as follows:

1. Page 1.

Following: line 29

Insert: "BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Montana Department of Transportation for its consideration and to the Montana League of Cities and Towns and the Montana Association of Counties for distribution to their members."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 44

Nays: Barrett, Esp, Juneau, Keane, Laslovich, Tutvedt.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 17 - Senator Perry moved **SJR 17**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Esp, Juneau, Keane, Schmidt, Squires.

Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Hinkle moved the Committee of the Whole report be adopted. Report adopted unanimously.

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 58 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Brenden, Hinkle, McGee, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 102 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau,

Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 201 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 206 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Zinke.
Total 39

Nays: R. Brown, Cooney, Erickson, Essmann, Juneau, Larsen, Moss, Schmidt, Williams, Windy Boy, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 228 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Zinke, Mr. President.

Total 35

Nays: Erickson, Gallus, Gillan, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 261 passed as follows:

Yeas: Barkus, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 36

Nays: Bales, Balyeat, Barrett, Black, Brenden, Gebhardt, Hinkle, Jackson, Laible, McGee, Perry, Ripley, Shockley, Tutvedt.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 297 passed as follows:

Yeas: Bales, Barkus, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Balyeat, Barrett, Brenden, Hinkle, McGee.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):

2/9/2009

SB 269, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Following: "37-53-205,"

Insert: "37-53-301, 37-53-302,"

2. Title, page 1, line 11.

Strike: "37-53-301, 37-53-302,"

3. Page 3.

Following: line 14

Insert: "(18) "Timeshare salesperson" means a person who for a salary, commission, or compensation of any kind is associated with a timeshare development to sell, purchase, or negotiate for sale, purchase, lease, or exchange of the timeshare interests in real estate and who, on behalf of a developer, sells or offers to sell a timeshare to a purchaser."

Renumber: subsequent subsection

4. Page 3.

Following: line 28

Following: "(3) qualifications for applicants as provided in 37-53-301;

(4) continuing education requirements for renewal of a timeshare salesperson's license;"

Renumber: subsequent subsections

5. Page 6.

Following: line 7

Insert: "Section 7. Section 37-53-301, MCA, is amended to read:

"37-53-301. Licensure of ~~timeshare brokers and~~ timeshare salespersons -- licensee duties. (1) ~~(a)~~ A person offering timeshare ~~units for his own account or for the account of others~~ intervals in a project located in Montana must be licensed as a timeshare salesperson ~~or timeshare broker~~ and affiliated with at least one registered timeshare project unless the offering is exempt under 37-53-205.

(2) Licensure may be obtained upon:

~~(i)(a) upon completion of an application and personal disclosure statement and passage of an examination prescribed by the board demonstrating knowledge of the timeshare industry and this chapter;~~

(b) meeting the qualifications listed in subsection (3);

(c) demonstration to the board that the applicant is an individual of good repute and competent to transact the business of a timeshare salesperson in a manner that safeguards the interests of the public;

(d) payment of fees set by the department by rule; and

~~(ii)(e) upon successful completion of a course of education related to the timeshare industry that has been approved by the board.~~

~~(b) The board shall then issue a certificate of completion to the applicant.~~

~~(2) A person licensed as a real estate broker or salesperson under Title 37, chapter 51, may act as a timeshare salesperson or timeshare broker upon successful completion of a course of education related to the timeshare industry that has been approved by the board. The board shall then issue a certificate of completion to the applicant. No license other than that issued pursuant to Title 37, chapter 51, is required.~~

(3) An applicant for a timeshare salesperson license must:

(a) be at least 18 years of age; and

(b) have graduated from an accredited high school or completed equivalent education as determined by the board.

(4) The board shall issue a certificate of completion to an applicant who successfully completes the course of education provided for in subsection (1)(e) and may issue a license to an applicant meeting the qualifications and licensure provisions.

(5) A licensed timeshare salesperson shall notify the department of a change of affiliation within 10 days of the change, designate the new license affiliation, and pay all required fees.

(6) If a timeshare salesperson is no longer affiliated with a timeshare project, the timeshare salesperson shall notify the board that the license is inactive and pay the fees required by rule. A timeshare salesperson may reactivate an inactive license by filling out an application, listing a new affiliation, and paying all required fees."

"

Insert: "Section 8. Section 37-53-302, MCA, is amended to read:

"37-53-302. Denial, suspension, or revocation of license or application. The board may by an order deny, suspend, or revoke a timeshare salesperson's ~~or timeshare broker's~~ license or application for license if the board finds that the order is in the public interest and that the applicant or licensee:

(1) has filed an application for licensure ~~and personal disclosure statement~~ as a timeshare salesperson ~~or timeshare broker~~ that is incomplete in any material respect or contains any statement that is, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has violated or failed to comply with any provision of ~~this chapter, rules adopted under this chapter, or Title 37, chapter chapters 1, 51, and 53, or any rules adopted by the board if the violation or the failure to comply related to the timeshare business;~~

(3) has been convicted of a felony ~~involving theft, fraud, or any consumer protection statute or a felony involving moral turpitude and related to the occupation of timeshare salesperson or timeshare broker unless the provisions of Title 37, chapter 1, part 2, are met;~~

(4) is permanently or temporarily enjoined by a court from engaging in or continuing any conduct or practice involving an aspect of the timeshare business;

(5) has engaged in dishonest or unethical practices related to public health, welfare, and safety in the timeshare business; or

(6) has not complied with any condition imposed by the board ~~or is not qualified on the basis of knowledge of the timeshare industry or this chapter."~~

Renumber: subsequent sections

6. Page 9, line 2 through line 3.

Strike: "37-53-301," on line 2 through "37-53-302," on line 3

And, as amended, do pass. Report adopted.

SB 308, do pass. Report adopted.

SJR 10, introduced joint resolution, be amended as follows:

1. Page 1.

Following: line 27

Insert: "(2) obtain workers' compensation coverage under Plan No. 2 insurers;"

Renumber: subsequent subsections

And, as amended, be adopted. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Barkus introduced the Senate Pages for the week of February 9-14, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, February 10, 2009. Motion carried.

Senate adjourned at 3:17 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate