

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 11, 2011

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chairman):

2/11/2011

Examined by the sponsor and found to be correct: **HB 22**.

Correctly printed: **HB 203, HB 248, HB 293**.

Correctly engrossed: **HB 133, HB 192, HB 228, HB 330, HB 331, HB 337, HB 361, HB 372**.

MOTIONS

Representative McGillvray moved that the House recess for the purpose of receiving an address by the Honorable Senator from the State of Montana, Jon Tester. Upon adjournment of the joint session, the House will reconvene. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits entrance outside the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit the Senate to the House chamber.

Speaker Milburn introduced President Peterson and yielded the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving an address by the Honorable Senator from the State of Montana, Jon Tester. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Senator Tester that we are in joint session and ready to receive his address. Motion carried.

President Peterson appointed Senators Steinbeisser, Wanzenreid and Representatives Washburn and Schmidt to escort Senator Tester into the House chamber.

Sgt-at-Arms Clark announced that the committee to escort Senator Tester awaits entrance to the House chamber.

President Peterson requested that Sgt-at-Arms Clark admit Senator Tester into the House chamber.

President Peterson introduced Senator Jon Tester.

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Senator Tester mave the following remarks:

President Peterson, Speaker Milburn, legislators, honored guests, people of Montana: It's great to be here. It's great to be back in Montana's "Peoples' House" to share a few words with you.

Usually when I recognize folks, I like to have them stand. This time, I'd like to do something a little different. I'm going to ask that if you are a veteran, please remain seated. Everyone else, please rise if you can. Let us stand and honor Montana's veterans. I also want to acknowledge my friend, Lieutenant Governor John Bohlinger, here today. John, now I'm going to ask you to stand. Thanks not only for your service as a Marine, but also for your service to the state of Montana. Every day you remind us that it's possible to reach across party lines, find common ground, and work together. You are a statesman. Thank you.

Last week, a reporter asked me an interesting question. He asked who my best friend in Congress is. I thought about it for a bit. My best friend in Congress is my best friend in life. Sharla Tester. She is my partner in serving Montana, in running our family farm, in raising our children, and in loving our grandchildren. Sharla can't be here today, but a lot of my family is. My daughter, Christine, and her husband, James, are here. Melodie and her husband, Glenn. And our grandkids: Kilikina, Brayden and Tucker.

Senator Keane, where are you? I was sorry to hear Senate Bill 6 got tabled in committee. Under Senator Keane's bill, anyone who uses PowerPoint in committee would have had to fork over fifty to a hundred bucks into a special fund-depending on the length. I'd love to see the fiscal note on that one.

There are very serious challenges ahead: Passing a budget that works for Montana, its small businesses, its working families, its family farms and ranches. A budget that creates jobs. A budget that creates an environment that allows our kids and grandkids to be competitive and successful. Every decision you make has an impact on your neighbors. My neighbors. Your communities. And all communities across Montana.

You know what? Montana is blessed with our citizen legislature. It's one of the many things that make Montana the best state in the best nation, in the world. I was proud and honored to serve here. And I thank you for being part of it, too.

Montana is also blessed with an strong small business spirit. I've seen it firsthand as I travel back to this state every weekend, visiting every county. I see that spirit in folks like Kim Ormsby, founder of the Natural Baby Company in Bozeman. What started as a great idea - selling cheaper, environmentally friendly baby products online - has turned into a booming brick-and-mortar business. Kim Ormsby is a Montana success story. And she's creating jobs. In Red Lodge, Keith Lauver is just starting a business called The Healthy Pantry. He takes Montana ag commodities. And, on a stove in a building on Main Street, he turns them into meals that are easy to prepare at home. The Healthy Pantry isn't just making good food. It's putting folks back to work. And there's the Stillwater Mining Company, where hundreds of Montanans work together - union labor and management - to get platinum and palladium to the market. Stillwater

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is "Made in America." It's a gem in our Treasure State that we can all be proud of. From metals and minerals to coal and oil and natural gas, Montana is rich in natural resources. We've got trees and biomass. Wind and solar and geothermal energy. Our resources include the animals we raise and eat and the ground where we raise our crops. Ladies and gentlemen, in Montana, we've got the lumber. We've got the hardware. What we need from you is a smart - and I emphasize smart - budget plan to create jobs and keep our Montana economy strong. A plan that strengthens and maintains a business-friendly environment. One that invests in our workers. And our kids. And their education. And allows them to do whatever they dream to do. A budget plan that maintains the physical infrastructure we need to keep our rural state in fighting shape. With our national economy on the rebound, we can't afford to go backwards. Montana has handled this recession better than any state. And we need to make sure we continue the trend.

Montanans sent me to the United States Senate to work hard. They sent you to Helena to work hard. To make Montana and America better for our kids and grandkids. Not to sit around complaining. Not to re-hash old problems or create new ones. It's our job to do our work with respect for one another, finding the common ground that unites us. And working from that common ground. We may be Democrats. And we may be Republicans. But we're Americans and Montanans first. We all have a unique challenge. Because whether home is Billings or Big Sandy, we have this in common: all of us live in rural America.

One of my biggest challenges back in the Senate is getting folks to understand what rural America really means. To them, rural America is the area between Washington, D.C. and Baltimore. For us, it's a way of life. We share a heritage rich in agriculture. I'm proud of the fact I'm the only member of the U.S. Senate and the only member of Montana's delegation who still runs a family farm. It's an important perspective to bring to the table. In rural America, we have a rich outdoor heritage. For the next two years, I have the honor of serving as chairman of the Congressional Sportsman's Caucus. My role: to keep fighting for - and strengthening - our gun rights. Standing up for access to public lands. And public water. Of course, getting wolves back off the Endangered Species List. And returning their management to the State of Montana-to the professionals who know how to do it best. I'm doing everything I can to pass wolf legislation through Congress. Because we need a solution for wolves. And we need it now. I introduced a bill yesterday that delists wolves. It returns us back to Montana's management plan, which was working just fine. The bottom line is, we need to start hunting - and managing - wolves now. That's why last week, I called for a controlled wolf hunt in Montana. The Interior Department is expediting that request. And I will keep their feet to the fire until they approve that hunt. It's a good step. But it's exactly the reason we need to delist wolves. Montana has responsibly managed wolves. And we shouldn't have to ask the federal government for a hunt. Until wolves are delisted - and Montana is back in charge - I'll do everything I can to push the feds to work with us. To let Montana aggressively manage wolves.

In addition to our outdoor heritage, Montana and rural America have a proud tradition of military service. Our state is home to 103,000 veterans. More are coming home every day. Many with injuries seen... and unseen. In December, I had the honor of visiting Lance Corporal Tomy Parker in his hospital room in Bethesda. Tomy is from Ronan. He lost both legs and part of his hand while serving our country in Afghanistan. As big as his losses are, the only thing bigger is

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his incredible positive attitude. And the love of his family. We needed Lance Corporal Parker. And now, Tomy needs us. Our veterans and servicemen and women have fought and fight for our freedom and liberty every day.

So let me be clear: we've got a lot of challenges ahead when it comes to cutting spending and cutting our debt. But we cannot afford to do it by cutting benefits from America's veterans. I was struck by what the national commander of the VFW said the other day. It was a response to a controversial proposal to cut \$4-and-a-half billion in veterans' benefits. He said, and I quote, "The day this nation can't afford to take care of her veterans is the day this nation should quit creating them." Montana is blessed with our heritage of military service.

In rural America, we've got to strengthen what we're blessed with. Because rural America fights for this country. Feeds this country. And fuels this country. Like many of your relatives, my grandparents came to Montana with almost nothing. They had to rely on their own hard work. They had to work together with their neighbors to survive. And they had to live within their means. You know what? They made it work. My grandparents - and my parents - knew the value of a dollar. I know the value of hard work and the value of a dollar. Those are Montana values. We can be proud of Montana's Constitutional requirement to balance the budget. That darned good leadership over the past few years has made Montana one of the few states in the nation still operating in the black. A decade ago, during the Clinton Administration, this country ran a surplus. It is possible. But over the past 10 years, some in Congress made some pretty bad choices. And it turned our economy upside down. Instead of gimmicks that cost us jobs, hurt education, and weaken our infrastructure, we need to take real steps toward cutting our deficit and balancing our budget. It's not going to happen overnight. It's going to take a credible, long-term strategy.

So, what is real? Last year, I cut \$6 billion in spending from the unemployment insurance law. I killed the Animal ID program, which was wasting millions of your tax dollars I voted-twice-to make sure Congress didn't get a pay raise. And just last month, I introduced a bill ending automatic pay raises for members of Congress forever. This week, Tom Coburn - a conservative Republican from Oklahoma - and I teamed up and introduced a bill to make sure hardworking taxpayers don't have to write unemployment checks for millionaires. That's just common sense. And it shows that one party doesn't have all the good ideas. You just have to be willing to work together to cut spending and cut our debt. And as the only Senate Democrat to vote against both bailouts, I will tell you I will always vote against bailouts.

As for that credible, long-term strategy? I supported creating a bipartisan panel to recommend a path forward... to cut our debt and cut spending. I read their plan. I don't agree with everything in it. But I support the idea behind these recommendations. We need to cut the waste, fraud and abuse in our entitlement programs. We need to make sure they work for the 21st Century. We need to take a look at our tax code, to make sure it works for middle class families. And to make sure nobody side-steps the system. That's what it's going to take to really cut our debt and cut spending. Not gimmicks. It won't be easy. In fact, it will be pretty darned difficult. We're going to have to make some tough choices in the weeks, months and years ahead. Every expenditure - whether it's a government program or a tax earmark - has a network of people supporting it. For that reason, balancing the books will be a challenge. But that doesn't mean it

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can't be done. It has to be done. And it can be done... without costing us jobs. The key is: no one is excused from sharing in the sacrifice. Not the folks who live in the big cities. Nor the folks with Swiss bank accounts. Nor Wall Street Banks or K Street lobbyists. Nor insurance giants or multinational corporations that send American jobs overseas - and can now secretly fund our political campaigns. Everybody has to feel a little pain. But that doesn't mean we take a battle axe to the very things that are creating jobs and building our economy. Or backpedal on our commitment to veterans. Think turning public education upside down creates jobs and a business friendly environment? In this competitive world, it would only take us backwards. And it will shift the tax burden onto local property taxpayers. Does slashing our basic infrastructure, like safe roads and drinking water and electrical transmission lines help businesses create jobs? Or saying 'tough luck' to our law enforcement officers and firefighters? Or gutting access to quality, affordable health care? That kind of governing will land us right back in the ditch. And it will not create jobs. We create jobs by investing in education and infrastructure and in health and public safety.

That's why I'm proud of my vote for the Recovery Act. A bill that put thousands - let me repeat, thousands - of Montanans to work. It cut taxes for every Montanan - to the tune of a half-billion dollars. And it jump-started the infrastructure we need to create jobs. Every region in Montana has a school, a road, a public works system that has been improved and revitalized because of the Recovery Act. The Recovery Act is building the North Central Regional Water System, which will provide clean drinking water to tens of thousands of Montanans. It allowed crews to finish one of our state's fastest-growing business corridors-Shiloh Road in Billings. It launched a critical revolving loan fund to keep Montana's timber industry on its feet - in a time of really tight capital. I know Cary Hegreberg and my friends at the Montana Contractors Association have done a great job in taking advantage of the Recovery Act - and putting Montanans to work. I want to thank them. And most importantly, the Recovery Act pulled our nation away from the ledge of a catastrophic depression. That's what I call, successful stimulus. The only thing failed about it... was a vote against it.

Remember this: it is our patriotic responsibility as Americans to govern and budget carefully. It is patriotic for a business to go the extra mile needed to create jobs here in America. Off-shoring jobs may save you a few bucks, but none of us can afford to cut American workers out of the picture. Invest in jobs here, and you invest in your community. And your country. The Natural Baby Company is doing it. The Healthy Pantry, and the Stillwater Mine are doing it. A whole bunch of Montana businesses are doing it. Montanans should demand support for Montana jobs from their political leaders. And we all should demand it from our businesses. As we have this debate, we also can't let Montana and rural America shoulder more than our share of the sacrifice. That's all the more reason I need to keep fighting for the priorities of rural America in the US Senate.

I will never give up on Montana. I will never give up on our family farms and ranches. Or our schools and small businesses. Or our veterans. Our human infrastructure is too valuable to let go by the wayside. Letting our roads fall apart or letting our best teachers go somewhere else will cost us jobs. It will cost us opportunity. We can't afford to take a back seat to anyone. Despite the differences we may have in this room, we are all Montanans. And we're all lucky to call this state home. I'm bullish on Montana. In fact, I can't think of a single reason not to be.

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We've got the people. We've got the resources. And like the generations before us, we've got opportunity for the taking. Later this month, on February 23rd, I'm hosting my sixth Small Business Opportunity Workshop. This one will be in Missoula. And I invite every Montanan to attend. You don't have to be a Democrat or a Republican to take part. The idea is to work together to build Montana, to create jobs and take advantage of every opportunity possible. Montanans aren't afraid to work hard or make tough decisions. Working together, we'll build up our state. We'll create jobs. And we'll move forward, not backward. We can do it while empowering small businesses, family farms and ranches, working families. We can do it without ignoring the needs of the physical and human infrastructure we need to stay competitive. We can do it by investing in K-through-12 education, and our university system.

Good luck in the weeks ahead. God Bless.

President Peterson requested that the committee of four escort Senator Tester from the joint session.

Senator Essmann moved that the joint session be adjourned. Motion carried.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

2/10/2011

HB 133, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "attempt to"

2. Page 1, line 17.

Strike: "or telephone"

3. Page 1, line 18.

Following: "~~The~~"

Insert: "If the landowner has an agent for service on file with the secretary of state, the notice must be given by mail to the registered agent. The landowner or the landowner's representative shall respond to the notice within 10 days."

4. Page 1, line 20.

Following: "time"

Strike: ", "

Insert: ". The inspection must occur"

Strike: "3"

Insert: "7"

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5. Page 1, line 21.

Strike: "agreeing" through "inspection"

Insert: "the agreed-upon inspection date"

Following: "notification"

Strike: "the" through "notify"

Insert: "notifying"

6. Page 1, line 23.

Following: "may"

Insert: "seek a court order to"

7. Page 1, line 26.

Strike: "attempt to"

8. Page 1, line 27.

Strike: "or telephone"

9. Page 1, line 29.

Strike: "shall"

Insert: "may"

10. Page 2, line 4.

Following: "notification"

Insert: "after the notification or within 10 days"

Following: "notice"

Strike: "required"

11. Page 2, line 7 through line 8.

Following: "found" on line 7

Strike: remainder of line 7 through "penalty" on line 8

12. Page 2.

Following: line 8

Insert: "(c) Within 10 days after the board has issued a notice to comply with the noxious weed management program, the landowner or landowner's representative may file a request for a hearing in court if the landowner or landowner's representative disagrees with the noxious weed management control measures proposed to be taken by the board.

(d) If a request for a hearing has been filed pursuant to subsection (2)(c), the board or the board's agent may not take any action to control the noxious weeds until after the hearing and authorization from the court."

Renumber: subsequent subsections

13. Page 2, line 9.

Following: "(2)(b)"

Insert: "and a hearing is requested in court"

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Following: the second "penalty"

Strike: "must"

Insert: "may"

Following: "be"

Strike: "imposed"

Insert: "sought"

14. Page 2, line 11 through line 12.

Strike: "A civil" on line 11 through line 12 in its entirety

15. Page 2, line 28.

Following: "(1)(b)(iii)."

Insert: "If the board decides to seek a civil penalty under 7-22-2123(2)(b) instead of taking the control measures, the board shall obtain judicial approval from the court for the penalty."

And, as amended, do pass. Report adopted.

HB 331, introduced bill, be amended as follows:

1. Page 1.

Following: line 30

Insert: "(5) If the governor declares an emergency due to the need to destroy animals infected with brucellosis, the governor may authorize the expenditure of funds pursuant to 10-3-312 for the purposes provided in this section. Those funds must be deposited in the brucellosis indemnity account established in [section 2]."

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/10/2011

HB 228, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELIMINATING"

Insert: "LOWERING"

2. Title, page 1, line 6.

Strike: "AT A REDUCED COST"

3. Page 2, line 22.

Following: "may,"

Insert: "who is 10 years of age or older,"

4. Page 2, line 29.

Following: "issued,"

Insert: "but who is 10 years of age or older,"

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5. Page 3, line 6.

Following: "may,"

Insert: "but who is 10 years of age or older,"

6. Page 3, line 15.

Following: "only"

Strike: "1"

7. Page 3, line 16.

Following: "issued,"

Insert: "and who is 10 years of age or older,"

8. Page 4, line 18.

Following: "issued"

Insert: "but who is 10 years of age or older"

9. Page 5, line 7.

Following: "may,"

Insert: "but who is 10 years of age or older,"

10. Page 5, line 22.

Following: "may,"

Insert: "but who is 10 years of age or older,"

11. Page 6, line 10.

Following: "issued,"

Insert: "but who is 10 years of age or older,"

12. Page 6, line 19.

Following: "issued,"

Insert: "and who is 10 years of age or older,"

13. Page 6, line 28.

Following: "may,"

Insert: "but who is 10 years of age or older,"

14. Page 7, line 15.

Following: "may,"

Insert: "but who is 10 years of age or older,"

15. Page 8, line 3.

Following: "issued,"

Insert: "and who is 10 years of age or older,"

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16. Page 9, line 3.

Following: "issued,"

Insert: "and who is 10 years of age or older,"

17. Page 9, line 10.

Following: "issued,"

Insert: "but who is 10 years of age or older,"

18. Page 9, line 16.

Following: "older,"

Insert: "who is 10 years of age or older,"

19. Page 9, line 23.

Following: "older,"

Insert: "who is 10 years of age or older,"

20. Page 10, line 3.

Following: "and"

Insert: "is 10 years of age or older and who"

21. Page 10, line 20.

Following: "issued"

Insert: "who is 10 years of age or older"

22. Page 11, line 6.

Following: "and"

Insert: "10 years of age or older and"

23. Page 11, line 16.

Following: "and"

Insert: "10 years of age or older and"

24. Page 11, line 19.

Following: "and"

Insert: "10 years of age or older and"

25. Page 11, line 21.

Following: "and"

Insert: "10 years of age or older and"

26. Page 11, line 22.

Following: "and"

Insert: "10 years of age or older and"

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27. Page 12, line 18.

Following: "is"

Insert: "10 years of age or older and who is"

28. Page 12, line 20.

Following: "is"

Insert: "10 years of age or older and who is"

29. Page 12, line 23.

Strike: "reduced cost"

30. Page 12, line 24.

Following: "is"

Insert: "10 years of age or older and who is"

31. Page 12, line 29.

Following: "ammunition."

Insert: "The minor may attend the hunter safety and education course prior to turning 10 years of age but may not obtain a hunting license pursuant to this section until turning 10 years of age."

And, as amended, do pass. Report adopted.

HB 337, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "87-1-102," through "87-1-125,"

2. Title, page 1, line 6.

Strike: "87-2-106,"

Following: "87-2-114,"

Insert: "AND"

Strike: "87-3-102," through "87-3-118,"

3. Page 1, line 10 through page 6, line 14.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

4. Page 6, line 21.

Following: "convicted"

Insert: "or forfeits bond or bail"

5. Page 8, line 30 through page 10, line 22.

Strike: section 7 in its entirety

Renumber: subsequent sections

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6. Page 12, line 15 through page 16, line 12.

Strike: section 10 through section 12 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 361, introduced bill, be amended as follows:

1. Page 2, line 10.

Following: "2007"

Insert: "or implement limited-entry archery-only elk permits in a district in which archery-only elk permits were not required in 2007"

And, as amended, do pass. Report adopted.

HB 372, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND PERMITS"

2. Page 3, line 9 through page 4, line 19.

Strike: section 2 in its entirety

Insert: "NEW SECTION. **Section 2. Nonresident elk and deer license preference point system.** (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game combination licenses and Class B-11 nonresident deer combination licenses.

(2) In addition to payment of any fees established in 87-2-113, 87-2-505, and 87-2-510, nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a nonrefundable \$50 fee, that gives an applicant who has more preference points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

(3) An applicant may:

(a) purchase only one preference point per license year; and

(b) purchase a preference point without applying for a Class B-10 or Class B-11 license.

An applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and September 30 prior to the applicable license year. The department shall delete an applicant's accumulated preference points if the applicant does not apply for a Class B-

10 or Class B-11 license for 2 consecutive years.

(4) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated preference points unless the applicant obtains the license applied for, in which case the department shall delete the applicant's accumulated preference points.

(5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of

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preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

(7) Up to five applicants may apply as a party under this section. The department shall use an average of the number of preference points accumulated by those applicants to determine their priority in receiving licenses issued pursuant to subsection (5). The department shall consider any fraction that results from the calculation of an average when determining that priority."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 2/10/2011
HB 203, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 2/11/2011
HB 330, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "A PERMANENT"

Insert: "THE"

2. Page 1, line 14.

Strike: "permanent"

3. Page 4, line 25.

Strike: "permanent" in both places

And, as amended, do pass. Report adopted.

TAXATION (Blasdel, Chairman): 2/11/2011
HB 192, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

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2. Title, page 1, line 8.

Strike: "A RETROACTIVE"

Insert: "AN"

3. Page 2, line 17.

Strike: "\$10,000"

Insert: "\$4,000"

4. Page 2, line 22.

Strike: "\$50,000"

Insert: "\$35,000"

5. Page 2, line 26.

Strike: "\$50,000"

Insert: "\$35,000"

6. Page 6, line 20.

Strike: "2011"

Insert: "2012"

7. Page 6, line 26.

Strike: "on passage and approval"

Insert: "January 1, 2012"

8. Page 6, line 28 through line 29.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to tax years beginning after December 31, 2011."

And, as amended, do pass. Report adopted.

HB 248, do pass. Report adopted.

HB 293, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/10/2011

SB 195, introduced by Ripley

SB 217, introduced by Murphy

Senate joint resolution passed and transmitted to the House for concurrence: 2/10/2011

SJR 9, introduced by Hutton

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FIRST READING AND COMMITMENT OF BILLS

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

HB 490, introduced by Warburton, Hale, Howard, Harris, Rosendale, G. Bennett, Kerns, Beck, Hinkle, Taylor, Loney, Arntzen, Brodehl, Hutton, C. Smith, Priest, Wagner, Skees, More, Roberts, Murphy, Kennedy, O'Neil, Lewis, Jackson, Blasdel, Read, Lavin, Edmunds, Regier, O'Hara, Hollandsworth, Knudsen, K. Peterson, Buttrey, Knox, Ingraham, Ehli, Blyton, Ripley, Balyeat, Vincent, referred to Judiciary.

HB 491, introduced by Cuffe, Blasdel, Hollandsworth, Roberts, Hollenbaugh, Hiner, O'Neil, Ehli, Skees, Small, Evans, Greef, Belcourt, Brodehl, McChesney, F. Smith, Sesso, Flynn, referred to State Administration.

HB 493, introduced by Knox, Stahl, Howard, Rosendale, Blyton, Knudsen, Kennedy, G. Bennett, Connell, Miller, Skees, O'Neil, Randall, Kerns, Edmunds, Vance, Osmundson, Read, Brodehl, Kary, Salomon, C. Smith, Yates, referred to Judiciary.

HB 494, introduced by Edmunds, referred to Judiciary.

HB 495, introduced by Cook, referred to Appropriations.

HB 496, introduced by Menahan, referred to Judiciary.

HB 497, introduced by Clark, referred to Agriculture.

HB 498, introduced by MacLaren, Steinbeisser, Clark, McChesney, Stahl, Kerns, Lewis, Ankney, referred to Agriculture.

HB 499, introduced by Clark, referred to Agriculture.

HB 500, introduced by Hansen, Knox, Blyton, referred to Business and Labor.

HB 501, introduced by Reichner, referred to Human Services.

HB 502, introduced by Hunter, referred to Appropriations.

HB 503, introduced by Wilmer, Phillips, K. Williams, Hawks, referred to Federal Relations, Energy, and Telecommunications.

HB 504, introduced by Yates, Harris, Hale, Vance, Wittich, Wagner, Skees, Rosendale, Ankney, Reichner, Evans, Hutton, Miller, Flynn, Randall, Loney, Kary, Read, Berry, Skattum, Knox, Stahl, O'Neil, C. Smith, Kennedy, More, G. Bennett, Edmunds, Brodehl, Blasdel, Regier, Taylor, Knudsen, referred to Federal Relations, Energy, and Telecommunications.

HB 505, introduced by Hill, referred to Business and Labor.

HB 506, introduced by Skees, Hendrick, Knox, Brodehl, Wittich, G. Bennett, Hale, Howard, Wagner, Hinkle, O'Neil, Kennedy, Stahl, Burnett, More, Vance, Clark, Osmundson, C. Smith, Regier, Reichner, Balyeat, Cuffe, Loney, Rosendale, Edmunds, Randall, Kerns, Hansen, Taylor, Kary, Jackson, Blasdel, Harris, referred to Federal Relations, Energy, and Telecommunications.

HB 507, introduced by B. Bennett, Pease-Lopez, Wilmer, C. Williams, Swanson, Malek, Furey, Erickson, McClafferty, Reinhart, Squires, Hill, Schmidt, Wanzenried, Hands, Price, Larsen, Sands, Facey, Di. Barrett, referred to Transportation.

HB 508, introduced by McNally, McNiven, referred to Local Government.

HB 509, introduced by McClafferty, Malek, Reinhart, referred to Transportation.

HB 510, introduced by Knox, referred to Local Government.

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

SB 35, introduced by Hamlett (by request of the Environmental Quality Council and the Water Policy Committee), referred to Natural Resources.

SB 133, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

SB 143, introduced by De. Barrett, referred to Agriculture.

SB 146, introduced by Lake, referred to Local Government.

SB 156, introduced by Windy Boy, Stewart-Peregoy, Caferro, Augare, referred to Human Services.

SB 159, introduced by Priest, referred to Business and Labor.

SB 173, introduced by Tutvedt, referred to Local Government.

SB 221, introduced by Gillan, referred to Business and Labor.

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 273 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, F. Smith.

Total 2

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 174 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef,

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Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 26

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 288 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Kennedy, More.

Total 3

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

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HB 327 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

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

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kary in the chair.

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

HB 179 - Representative Knox moved **HB 179** do pass.

HB 179 - Representative Salomon moved **HB 179**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "EMPLOYMENT;"

Insert: "PROVIDING FOR A MAXIMUM PROBATIONARY PERIOD OF EMPLOYMENT;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

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2. Page 1, line 22 through line 23.

Strike: "of" on line 22 through "LONGER" on line 23

3. Page 2, following line 4.

Insert: "(3) For the purposes of subsection (2), the probationary period of employment is determined by the employer, but may not exceed 30 calendar days from the date the worker begins work for the employer."

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to probationary periods that begin on or after [the effective date of this act]."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Regier, Taylor.

Total 2

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 179 - Representative Knox moved **HB 179**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

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Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 - Representative Ingraham moved **HB 280** do pass.

HB 280 - Representative Driscoll moved **HB 280**, second reading copy, be amended as follows:

1. Title, line 6.

Following: "ABORTION"

Insert: "AND AN ELECTROCARDIOGRAM BEFORE BEING PRESCRIBED A DRUG TO RELIEVE ERECTILE DYSFUNCTION"

2. Page 1, line 11.

Strike: "7"

Insert: "8"

3. Page 1, line 12.

Following: "Abortion"

Insert: "and Electrocardiogram Prior to Erectile Dysfunction Drug"

4. Page 4.

Following: line 10

Insert: **Insert:** "NEW SECTION. Section 8. Electrocardiogram required before erectile dysfunction drug prescribed -- compliance by providers -- penalties -- civil remedies .(1)

A physician may not knowingly prescribe a drug to relive erectile dysfunction without first:

(a) requiring that the individual for whom the prescription is to be written be given an electrocardiogram examination; and (b) advising the individual who will receive the prescription concerning the results of the electrocardiogram and the effect of the use of a drug to relieve erectile dysfunction upon the individual consuming it.

(2) A physician who prescribes a drug to relieve erectile dysfunction without first complying with the requirements of subsection (1) is guilty of a misdemeanor and upon conviction shall be punished by a term of imprisonment, by a fine, or both as provided in [section 5].

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(3) An individual who is prescribed a drug to relieve erectile dysfunction by a physician who fails to comply with subsection (1) may maintain an action against the physician for actual and punitive damages.

(4) A plaintiff or defendant who is successful in a civil action brought pursuant to subsection (3) may recover attorney fees in the same manner and to the same extent as provided in [section 6].

(5) In a civil or criminal proceeding or action brought under this section, the court shall rule whether the anonymity of the individual seeking the prescription and upon whom the electrocardiogram is performed must be protected from public disclosure to the same extent and in the same manner as provided in [section 7]."

Renumber: subsequent sections

5. Page 4, line 12.

Strike: "7"

Insert: "8"

6. Page 1, line 14.

Strike: "7"

Insert: "8"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Excused: Clark.

Total 1

Absent or not voting: None. Total 0

HB 280 - Representative Ingraham moved **HB 280** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary,

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Kennedy, Kerns, Knox, Lavin, Loney, MacLaren, McGillvray, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 47

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 42 - Representative Hollenbaugh moved **HB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Blyton, Burnett, Edmunds, Esp, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Lavin, More, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton.

Total 22

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HJR 6 - Representative Connell moved **HJR 6** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel,

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Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Burnett, Hansen, Kerns, Knox, Osmundson, Vance.

Total 6

Excused: None.

Total 0

Absent or not voting: Ankney, Warburton.

Total 2

HB 93 - Representative Furey moved **HB 93** do pass.

HB 93 - Representative McNutt moved **HB 93**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 4.

Following: line 2

Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2019."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,

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Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

HB 93 - Representative Furey moved **HB 93**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: G. Bennett, Blyton, Hale, Harris, Kennedy, Kerns, Knox, Skattum, C. Smith, Vance, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson,

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Pease-Lopez, Peterson, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Barrett, Hill, McGillvray, More, Noonan, Phillips, Regier, Skees, Warburton.
Total 9

Excused: Clark.
Total 1

Absent or not voting: Hale.
Total 1

MOTIONS

Representative Burnett moved **HB 443** be moved from the Agriculture committee to the Business and Labor committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 330**
Motion carried.

HB 330 (B. Bennett Chief Sponsor)
Representative G. Bennett, Hands, Knox.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 387**
Motion carried.

HB 387 (Flynn Chief Sponsor)
Representative Greef, Knudsen, Welborn.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Saturday, February 12, 2011. Motion carried.

House adjourned at 2:51 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House