

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

Helena, Montana
February 17, 2011

House Chambers
State Capitol

House convened at 12:25 p.m. Mr. Speaker in the Chair. Invocation by Rep. Ingraham. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/17/2011

Correctly printed: **HB 161, HB 344, HB 420, HB 421, HB 496.**

Correctly engrossed: **HB 271, HB 341, HB 426, HB 456, HJR 9.**

Representative Hiner read the following proclamation:

PROCLAMATION to Recognize the Centennial Year of the
Montana Nurses Association

WHEREAS, in 2012 the Montana Nurses Association will celebrate its 100th anniversary of providing invaluable services to those in need of health care across our state; and

WHEREAS, for a century, the Montana Nurses Association supported by its professional staff and resources, has proudly represented the voice of licensed nurses across the state; and

WHEREAS, in Montana there are over 16,000 nurses, including Registered Nurses, Licensed Practical Nurses, and Advanced Practice Registered Nurses working in hospitals, nursing homes, home care, hospice, outpatient clinics, nursing education, schools, public health, the insurance industry, and much more; and

WHEREAS, scientific research has shown that the direct involvement and sufficient numbers of professional nurses positively impact patient outcomes and are the key to the delivery of safe effective patient care; and

WHEREAS, the Montana Nurses Association provides leadership for the nursing profession and promotes quality health care for consumers through research, continuing education, and advocacy and by influencing health care policy in Montana.

NOW, THEREFORE, BE IT PROCLAIMED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana recognizes the Montana Nurses Association's contributions to the health of the citizens of our state for the past 100 years.

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BE IT FURTHER RESOLVED, that the 62nd Session of the Montana Legislature commends and salutes the centennial of the Montana Nurses Association during the year and the celebration of this historic event commencing on February 17, 2011.

BE IT FURTHER RESOLVED, that a copy of this proclamation be transmitted to the Montana Nurses Association at 20 Old Montana State Highway, Montana City, Montana 59634.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/16/2011
HB 161, do pass. Report adopted.

EDUCATION (Reichner, Chairman): 2/16/2011
HB 420, do pass. Report adopted.
HB 421, do pass. Report adopted.
HB 456, introduced bill, be amended as follows:

1. Page 1, lines 29 and 30.

Following: "(1)"

Strike: "Any" through "from" on line 30

Insert: "A school may not allow a child to attend"

2. Page 2, line 2 through line 3.

Following: "acts"

Strike: ". The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103."

Insert: "unless each child's parent or guardian agrees in writing to allow the child to attend the instruction. Pursuant to 20-5-103, a child is excused from participating in the instruction unless the child fails to attend after the parent or guardian has agreed in writing to allow the child's attendance."

3. Page 2, line 13.

Following: "to"

Strike: "remove"

Insert: "include"

Following: "student"

Strike: "from any part of"

Insert: "in"

And, as amended, do pass. Report adopted.

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HJR 9, introduced joint resolution, be amended as follows:

1. Page 2, line 15.

Following: the first "Association,"

Insert: "school board trustee representatives,"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/11/2011

HB 344, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/16/2011

SB 15, introduced by Jent

FIRST READING AND COMMITMENT OF BILLS

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

HB 590, introduced by McClafferty, Noonan, B. Bennett, Hunter, Mehlhoff, C. Williams, Sesso, Hands, Wanzenried, Wilmer, Kaufmann, Gillan, Hollenbaugh, McChesney, Blewett, Van Dyk, Di. Barrett, referred to Appropriations.

HB 591, introduced by Blasdel, Hansen, Skattum, McGillvray, Kennedy, Edmunds, Skees, Knox, Blyton, referred to Education.

HB 592, introduced by Stahl, referred to Local Government.

HB 593, introduced by Ankney, referred to Federal Relations, Energy, and Telecommunications.

HB 594, introduced by Sesso, Ankney, Stahl, Murphy, Olson, Furey, Moss, Zinke, Hamlett, MacDonald, Small, B. Bennett, Erickson, Wanzenried, Blewett, McChesney, Lavin, Larsen, Jones, referred to Transportation.

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

HJR 18, introduced by Skattum, Warburton, Clark, Skees, Kennedy, Flynn, Edmunds, Randall, Blasdel, referred to Natural Resources.

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:

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HB 25 passed as follows:

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

Total 82

Nays: G. Bennett, Blasdel, Blyton, Edmunds, Flynn, Kennedy, Kerns, Knox, Miller, More, Randall, Skattum, Skees, C. Smith, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Burnett, Hendrick, Sands.

Total 3

HB 70 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, 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, 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, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Hale, Kennedy, Kerns, More, Skattum, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

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HB 100 passed as follows:

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

Total 66

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

Total 32

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HB 133 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, Menahan, O'Hara, Osmundson, Pease-Lopez, Phillips, Randall, Read, Regier, Roberts, Salomon, Schmidt, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer.

Total 54

Nays: Arntzen, G. Bennett, Berry, Blasdel, Brodehl, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McClafferty, McNutt, Mehlhoff, Miller, More, Noonan, O'Neil, Peterson, Price, Reichner, Reinhart, Rosendale, Sesso, Skattum, Skees, Small, C. Smith, Swanson, Vance, Wagner, Yates, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

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HB 361 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, 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 63

Nays: Barrett, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Furey, Greef, Hale, Hands, Hill, Hollenbaugh, Hunter, Kennedy, MacDonald, MacLaren, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: Burnett, Mehlhoff, Sands.

Total 3

HB 79 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, 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, 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, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kennedy, Kerns, More.

Total 3

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

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HB 252 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, 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, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HB 293 passed as follows:

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

Total 83

Nays: G. Bennett, Flynn, Hansen, Hendrick, Kerns, Knox, McNiven, More, O'Neil, Osmundson, Regier, Reichner, Skattum, Skees, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

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HB 330 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, 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, 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, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Hale, Kerns, Salomon, Skattum, Wagner, Warburton.
Total 6

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

HB 422 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, 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, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

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**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 B. Bennett in the chair.

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

HB 81 - Representative Roberts moved **HB 81** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Flynn, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McNiven, Miller, More, Phillips, Randall, Read, Sesso, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 30

Excused: None.

Total 0

Absent or not voting: Arntzen, Burnett, Esp, Sands, Stahl.

Total 5

HB 134 - Representative Squires moved **HB 134** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, 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, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

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Nays: Edmunds, Hale, Knox.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 203 - Representative Menahan moved **HB 203** do pass. Motion carried as follows:

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

Total 88

Nays: G. Bennett, Edmunds, Esp, Hale, Kerns, Knox, McGillvray, Miller, Randall, Skattum, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 306 - Representative Berry moved **HB 306** do pass. Motion carried as follows:

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

Total 69

Nays: Barrett, B. Bennett, Blyton, Boland, Driscoll, Furey, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McClafferty, McNally, McNiven, Noonan, O'Hara, Pease-Lopez, Phillips,

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Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: Hunter.
Total 1

HB 310 - Representative Blyton moved **HB 310** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, 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, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Welborn.
Total 1

Excused: None.
Total 0

Absent or not voting: Sands.
Total 1

HB 312 - Representative C. Smith moved **HB 312** 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, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, 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 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

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Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 - Representative K. Peterson moved **HB 362** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blyton, Brodehl, Clark, Edmunds, Ehli, Evans, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, McNiven, More, O'Hara, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 50

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Esp, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Wilmer rose on a point of personal privilege to clarify a statement made by Representative Peterson about her communication certain parties about **HB 362**. She stated that she did ask whether or not the bill was constitutional, but did not ask for an opinion to be written that it was unconstitutional.

HB 402 - Representative Rosendale moved **HB 402** 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, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner,

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Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 401 - Representative Arntzen moved **HB 401** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, 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, 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: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 409 - Representative Beck moved **HB 409** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, 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,

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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 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 492 - Representative Howard moved **HB 492** do pass. Motion carried as follows:

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

Total 57

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 414 - Representative Harris moved **HB 414** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil,

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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 65

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

Total 35

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

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

Total 72

Nays: B. Bennett, Boland, Court, Hands, Hill, Hiner, MacDonald, McChesney, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: Arntzen, Malek, Salomon, Welborn.

Total 4

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REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):
HB 341, introduced bill, be amended as follows:

2/17/2011

1. Title, page 1, line 6.

Following: "25-9-205"

Strike: ", "

Insert: "AND"

Following: "27-1-210,"

Strike: "33-3-431, AND 75-10-722,"

2. Title, page 1, line 7.

Strike: "IMMEDIATE"

3. Page 1, line 12.

Strike: "subsection (2)"

Insert: "subsections (2) and (3)"

4. Page 1, line 14 through line 16.

Strike: "equal" on line 14 through "1%" on line 16

Insert: "of 10% per year"

5. Page 1, line 18 through line 19.

Strike: "not" on line 18 through "5%" on line 19

6. Page 1, following line 19.

Insert: "(3) Interest on a judgment obtained in an action for recovery on an injury, as defined in 27-1-106, must be paid from the date the judgment is entered at a rate equal to the prime rate published by the federal reserve system in its statistical release H.15 Selected Interest Rates, or in any publication that may supersede it, plus 2%."

7. Page 1, line 23.

Strike: "as"

8. Page 1, line 25.

Following: "entered"

Insert: ", "

Strike: "1%"

Insert: "2%"

9. Page 2, line 13 through page 4, line 8.

Strike: strike sections 3 and 4 in their entirety

Renumber: subsequent sections

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10. Page 4, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2011"

11. Page 4, line 20.

Strike: "[the effective date of this act]"

Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/17/2011

HB 271, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "APPLY FOR"

Insert: "OBTAIN"

2. Page 1, line 19.

Strike: "apply for"

Insert: "obtain"

And, as amended, do pass. Report adopted.

HB 496, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/15/2011

HB 426, introduced bill, be amended as follows:

1. Page 1, lines 20 and 21.

Strike: "agricultural" on line 20 through "purpose" on line 21

Insert: "production agriculture in tracts larger than 160 acres and land and facilities used for electric power generation, refining, or smelting"

And, as amended, do pass. Report adopted.

MOTIONS

Representative Rosendale moved to reconsider action taken on **HB 228** during second reading the previous day. Representative Sesso objected.

Motion carried as follows:

Yeas: Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil,

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Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 52

Nays: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 47

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 10**
Motion carried.

HJR 10 (Hill Chief Sponsor)
Representative Di. Barrett, B. Bennett, Sands.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 12:30 p.m., Friday, February 18, 2011. Motion carried.

House adjourned at 2:50 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House