

**HOUSE JOURNAL  
62ND LEGISLATURE  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2011

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Speaker Milburn reminded the members of Martin Luther King Jr Day.

**BILLS** (O'Hara, Chairman): 1/17/2011

Correctly printed: **HB 58, HB 71, HB 77, HB 141, HB 167.**

Correctly engrossed: **HB 81, HB 155.**

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Peterson, Chairman): 1/14/2011

**HB 71**, do pass. Report adopted.

**HB 81**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FUND;"

**Insert:** "PROVIDING FOR ORDERS AND JUDGMENTS REQUIRING PAYMENT INTO THE FUND;"

2. Title, line 8.

**Strike:** "AND"

**Insert:** ", "

**Following:** "30-10-103,"

**Insert:** "AND 30-10-305,"

3. Title, line 9.

**Strike:** the second "AND"

**Insert:** ", "

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

4. Page 2, line 2.

**Strike:** "under [section 3]"

**Insert:** "by [section 4]"

5. Page 3, lines 29 and 30.

**Strike:** "to implement [sections 1 through 8], including but not limited to rules"

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6. Page 4, line 20.

**Strike:** "3"

**Insert:** "4"

7. Page 10.

**Following:** line 18

**Insert:** "**Section 11.** Section 30-10-305, MCA, is amended to read:

**"30-10-305. Injunctions and other remedies -- limitations on actions.** (1) If it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order under this chapter, the commissioner may:

(a) issue an order directing the person to cease and desist from continuing the act or practice after reasonable notice and opportunity for a hearing. The commissioner may issue a temporary order pending the hearing that:

(i) remains in effect until 10 days after the ~~hearing~~ hearings examiner issues proposed findings of fact and conclusions of law and a proposed order; or

(ii) becomes final if the person to whom notice is addressed does not request a hearing within 15 days after receipt of the notice; or

(b) without the issuance of a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any acts or practices and to enforce compliance with parts 1 through 3 of this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus must be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner may not be required to post a bond. If the commissioner prevails, the commissioner is entitled to reasonable ~~attorneys'~~ attorney fees as fixed by the court.

(2) A final judgment or decree, criminal or civil, determining that a person has violated parts 1 through 3 of this chapter in an action brought by the commissioner for the violation, other than a consent judgment or decree entered before trial, is prima facie evidence against that person in an action brought against the person under 30-10-307.

(3) The commissioner may, after giving reasonable notice and an opportunity for a hearing under this section, impose a fine not to exceed \$5,000 per violation upon a person found to have engaged in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order issued under parts 1 through 3 of this chapter. The fine is in addition to all other penalties imposed by the laws of this state and must be collected by the commissioner in the name of the state of Montana and deposited in the general fund. Imposition of any fine under this subsection is an order from which an appeal may be taken pursuant to 30-10-308. If any person fails to pay a fine referred to in this subsection, the amount of the fine is a lien upon all of the assets and property of the person in this state and may be recovered by suit by the commissioner and deposited in the general fund. Failure of the person to pay a fine also constitutes a forfeiture of the right to do business in this state under parts 1 through 3 of this chapter.

(4) (a) An administrative or civil action may not be maintained by the commissioner under this section to enforce a liability ~~founded~~ based on a violation of 30-10-201(1) through (3) or 30-10-202 unless it is brought within 2 years after the violation occurs.

(b) An administrative or civil action may not be maintained by the commissioner under this section to enforce a liability ~~founded~~ based on a violation of parts 1 through 3 of this chapter or any

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rule or order issued under this chapter, except 30-10-201(1) through (3) and 30-10-202, unless it is brought within 2 years after discovery by the commissioner or the commissioner's staff of the facts constituting the violation.

(c) An action may not be maintained under this section to enforce any liability founded on a violation of parts 1 through 3 of this chapter or any rule or order issued under this chapter unless it is brought within 5 years after the transaction on which the action is based.

(5) The commissioner in an administrative order requiring the payment of restitution or a court in a judicial order or judgment requiring payment of restitution may include a provision requiring a person determined to have violated any provision of parts 1 through 3 of this chapter to contribute an amount to the securities restitution assistance fund created by [section 4]."

**Renumber:** subsequent sections

8. Page 11.

**Following:** line 1

**Insert:** "NEW SECTION. Section 16. Termination. [This act] terminates June 30, 2017."

And, as amended, do pass. Report adopted.

**HB 141**, do pass. Report adopted.

**HB 167**, do pass. Report adopted.

**NATURAL RESOURCES** (Hendrick, Chairman):

1/14/2011

**HB 58**, do pass. Report adopted.

**HB 155**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "REQUIRING"

**Insert:** "DISCHARGE"

2. Title, line 5.

**Following:** "WETLANDS"

**Insert:** "USING A WATER CONVEYANCE STRUCTURE"

3. Page 3, line 16.

**Following:** "requiring"

**Insert:** "discharge"

**Following:** "wetlands"

**Insert:** "using a water conveyance structure"

4. Page 5, line 25.

**Following:** "requiring"

**Insert:** "discharge"

**Following:** "wetlands"

**Insert:** "using a water conveyance structure"

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And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Ingraham, Chairman): 1/14/2011  
**HB 77**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 1/14/2011

**SB 32**, introduced by Wanzenried

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 263**, introduced by Vance, referred to Local Government.

**HB 264**, introduced by Vance, Sonju, referred to Business and Labor.

**HB 265**, introduced by Vance, Sonju, referred to Business and Labor.

**HB 266**, introduced by Sands, Hawks, Larsen, Driscoll, McClafferty, Malek, Wanzenried, Hollenbaugh, Branae, Erickson, McChesney, Dick Barrett, MacDonald, Boland, Facey, Hiner, Hamlett, referred to State Administration.

**HB 267**, introduced by Sands, Kaufmann, referred to Human Services.

**HB 268**, introduced by Klock, Steinbeisser, Vuckovich, Noonan, referred to Business and Labor.

**HB 269**, introduced by Lavin, Noonan, Hollenbaugh, O'Neil, Brodehl, referred to Judiciary.

**HB 270**, introduced by Lavin, Sonju, Berry, Noonan, Blasdel, Hollenbaugh, O'Neil, Zinke, Brodehl, Salomon, Skees, referred to Transportation.

**HB 271**, introduced by Kerns, Hinkle, Harris, Vance, Miller, Howard, Randall, Ingraham, Wagner, Wittich, Yates, Kennedy, Hale, Skees, Flynn, Hendrick, Blyton, Blasdel, Taylor, C. Smith, Regier, Warburton, G. Bennett, Hansen, Loney, Read, McGillvray, Knox, O'Neil, Greef, Brodehl, McNiven, Salomon, K. Peterson, Skattum, Vincent, referred to Judiciary.

**HB 272**, introduced by Flynn, Skattum, Greef, Hendrick, Stahl, C. Smith, Miller, Murphy, Randall, Taylor, Skees, Hale, Kerns, Wagner, O'Neil, Harris, Clark, referred to Fish, Wildlife and Parks.

**HB 273**, introduced by Mehlhoff, Hollandsworth, Balyeat, Ripley, Belcourt, Loney, Jones, Welborn, Wagner, Olson, referred to Agriculture.

**HB 274**, introduced by Howard, C. Smith, Skattum, Read, Regier, referred to Judiciary.

**HB 275**, introduced by Reichner, Sonju, Wagner, Klock, Arntzen, Stahl, Blasdel, Ripley, Randall, Hutton, Lavin, Arthun, Knudsen, Greef, Vance, Tutvedt, Salomon, Rosendale, McNiven, Clark, Welborn, C. Smith, Essmann, referred to Judiciary.

**HB 276**, introduced by Belcourt, Mehlhoff, referred to Transportation.

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

**HJR 6**, introduced by Connell, Cuffe, Hendrick, Greef, Edmunds, Ehli, Salomon, referred to Natural Resources.

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Rep. Warburton introduced the pages as follows:

**LEGISLATIVE ADMINISTRATION** (O'Hara, Chairman):

1/17/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 2:00 p.m., Friday, January 14, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Cory Felde, Kalispell Michael Lavin, Kalispell Mariah Naegeli, Trout Creek Whitney Hiner, Anaconda Samantha Loret de Mola, Townsend Jordan Sweeney, Anaconda Jacob Hanson, Billings

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, January 17, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Katie Salomon, Ronan Sarah Edmunds, Missoula Brian Luehr, Helena Bridger Estell, Moccasin Riley Dennis, Charlo Kimberly Suta, Cut Bank Augusta McDonnell, Townsend

Report Adopted.

**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 Phillips in the chair.

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

**HB 17** - Representative Hollandsworth moved **HB 17** do pass.

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**HB 17** - Representative O'Neil moved **HB 17**, second reading copy, be amended as follows:

1. Page 1, lines 14 and 15.

**Strike:** "All" on line 14 through "basis." on line 15

2. Page 1, line 18.

**Strike:** "under [section 1]"

Amendment **not** adopted as follows:

Yeas: Connell, Cuffe, Edmunds, Esp, Hale, Hansen, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Regier, Salomon, Warburton.

Total 15

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, 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, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 17** - Representative Hollandsworth moved **HB 17** 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, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, 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, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Hale, Kennedy, Kerns, Knox, McGillvray, Miller, C. Smith, Wagner.

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Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 23** - Representative Furey moved **HB 23** do pass. Motion carried unanimously.

**HB 45** - Representative Ingraham moved **HB 45** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, 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 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Beck, Evans.

Total 2

**HB 47** - Representative K. Peterson moved **HB 47** 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, 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

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Nays: Pease-Lopez.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 54** - Representative Vance moved **HB 54** 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, 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 98

Nays: McGillvray, More.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63** - Representative Noonan moved **HB 63** do pass. Motion carried as follows:

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

Total 87



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Nays: Blyton, Hale, Hansen, Harris, Howard, Loney, McGillvray, More, Peterson, Reichner, C. Smith, Stahl, Warburton.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 94** - Representative Arntzen moved **HB 94** 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, Esp, Evans, Fitzpatrick, 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, 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, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 86

Nays: G. Bennett, Edmunds, Flynn, Hale, Harris, Kennedy, Kerns, Knox, Miller, More, Randall, Skattum, Wagner, Warburton.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 98** - Representative Welborn moved **HB 98** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 79

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Nays: Berry, Blasdel, Cuffe, Evans, Hale, Hendrick, Hoven, Ingraham, Kerns, Knox, Miller, Osmundson, Peterson, Read, Skattum, Skees, F. Smith, Taylor, Vance, Wagner, Warburton.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1** - Representative Milburn moved **HJR 1** be adopted. Motion carried as follows:

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

Nays: Phillips, Price.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Blasdel.  
Total 1

**HB 29** - Representative McNiven moved **HB 29** do pass.

**HB 29** - Representative Evans moved **HB 29**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

**Following:** "~~AND~~"

**Insert:** "DISSOLUTION OF MARRIAGE AND"

2. Page 3, line 24.

**Strike:** "OR"

3. Page 3, following line 24.

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**Insert:** "(v) dissolution of marriage; or"

**Renumber:** subsequent subsection

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 41

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

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 29** - Representative McNiven moved **HB 29** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, G. Bennett, Boland, Cook, Court, Edmunds, Evans, Furey, Hale, Hansen, Hill, Hoven, Howard, Hunter, Kerns, Loney, MacDonald, Malek, McChesney, McClafferty, Miller, O'Neil, Phillips, Reinhart, Sands, Sesso, Wagner, Williams, Wilmer.

Total 30

Excused: None.

Total 0

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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 Phillips 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:

**HB 114** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer.

Total 55

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Yates, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 1** concurred in 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, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 70

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 106**  
Motion carried.

**HB 106** (Lavin Chief Sponsor)

Representative Brodehl, Hiner, Hollenbaugh, Howard, Menahan, O'Neil , K. Peterson, Regier, Reichner, Skees, Taylor, Augare, Blewett, Buttrey, Jackson, Olson, Sonju, Vincent, Jent, Kaufmann, Larsen.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, January 18, 2011. Motion carried.

House adjourned at 2:25 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House