

**HOUSE JOURNAL  
62ND LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 2, 2011

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS** (O'Hara, Chairman):

2/2/2011

Correctly printed: **HB 35, HB 211, HB 212, HB 272, HB 273, HB 292.**

Correctly engrossed: **HB 30, HB 43, HB 123, HB 153, HB 183, HB 185, HB 209, HB 261, HB 294.**

The Carroll College Fighting Saints Football Team was escorted into the chamber by Representatives Gibson, Bangerter, Noonan and Hiner.

Rep. Reinhart read the following proclamation:

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA  
HONORING THE 2010 NAIA NATIONAL FOOTBALL CHAMPIONS  
CARROLL COLLEGE FIGHTING SAINTS***

February 2, 2011

**WHEREAS**, the Carroll College Fighting Saints have achieved a history-making six NAIA National Football Championships; and

**WHEREAS**, Head Football Coach Mike Van Diest was recently named the American Football Coaches Association National Coach of the Year, an honor he also received in 2003 and 2007; and

**WHEREAS**, Fighting Saints football scholar-athletes have won prestigious awards, including senior Andy Fjeseth being recently selected as the 2010 Rimington Award winner, making him the Most Outstanding Center nationwide in the Saints' football sub-division; senior linebacker Thomas Dolan being named to the 2010 American Football Coaches Association NAIA All-America team; and quarterback Gary Wagner listed as one of two co-offensive Frontier Conference offensive players of the year; and

**WHEREAS**, Carroll's athletic teams in football, volleyball, soccer, golf, men's and women's basketball, cross country and track and field consistently post record numbers of regionally and nationally recognized scholar athletes for their outstanding academic achievements and high grade point averages; and

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**WHEREAS**, Carroll College is in year one of its second century, having concluded its centennial celebration last spring in honor of its 1909 founding and 100 years of learning, serving, and leading.

***NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA*** that the congratulations of all Montanans go out to the players and coaches of the 2010 NAIA National Football Champion, Carroll College Fighting Saints; and that February 2, 2011, be declared Fighting Saints Day in Montana.

Coach Mike Van Diest addressed the House of Representatives.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Kerns, Chairman): 2/1/2011  
**HB 273**, do pass. Report adopted.  
**HB 294**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Following:** "(4)" "or (5)"

2. Page 2, line 6 through line 10.

**Strike:** subsection (5) in its entirety

3. Page 2, line 11.

**Strike:** "(6)"

**Insert:** "(5)"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Washburn, Chairman): 2/1/2011  
**HB 209**, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.

**Strike:** "A" on line 10

**Strike:** "DATE" on line 11

**Insert:** "DATES"

2. Page 6, line 10.

**Following:** "Termination."

**Insert:** "(1)"

**Following:** line 10

**Insert:** "(2) [Sections 3 and 4] terminate June 30, 2015."

And, as amended, do pass. Report adopted.

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**HB 261**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "LICENSE;"

**Insert:** "ESTABLISHING TERMS OF USE; PROVIDING FOR DISPOSITION OF REVENUE;  
AMENDING SECTIONS 87-1-246 AND 87-1-270, MCA;"

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

2. Page 1, line 9.

**Following:** "license."

**Insert:** "(1)"

3. Page 1, line 10.

**Following:** "chapter"

**Insert:** "and subject to the provisions of subsection (2)"

4. Page 1.

**Following:** line 14

**Insert:** "(2) A Class B-2 license may not be used to hunt or take:

(a) ring-necked pheasants during the opening week of that season; or

(b) sage grouse at any time."

**Insert:** "**Section 2.** Section 87-1-246, MCA, is amended to read:

**"87-1-246. Funding of upland game bird enhancement program.** The amount of money specified in this section from the sale of each hunting license listed must be used exclusively by the department to preserve and enhance upland game bird populations in Montana in accordance with 87-1-246 through 87-1-249, subject to appropriation by the legislature:

(1) Class A-1, resident upland game bird, \$2;

(2) Class B-1, nonresident upland game bird, \$23;

(3) Class B-2, 3-day nonresident upland game bird license, \$10;

~~(3)~~(4) Class AAA, combination sports, \$2; and

~~(4)~~(5) Class B-10, nonresident big game combination, \$23.""

**Insert:** "**Section 3.** Section 87-1-270, MCA, is amended to read:

**"87-1-270. Allocation of license fees to hunting access enhancement program. (1)** Except as provided in 87-2-805(1)(b)(ii), the amount of \$55 from the sale of each Class B-1 nonresident upland game bird license and \$25 from the sale of each Class B-2 3-day nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267.""

**Renumber:** subsequent sections

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5. Page 1, line 19.

**Strike:** "March 1, 2012"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

**HB 272**, do pass. Report adopted.

**HUMAN SERVICES** (Howard, Chairman):

1/31/2011

**HB 30**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "33-22-101"

**Insert:** "33-1-102"

2. Page 1, line 10.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Health care sharing ministry -- definition -- requirements. (1) "Health care sharing ministry" means a faith-based, nonprofit organization that:

- (a) is tax-exempt under the Internal Revenue Code;
  - (b) limits its participants to those who are of a similar faith;
  - (c) acts as a facilitator among participants who have financial or medical needs and matches those participants with other participants who have the ability to assist those with financial or medical needs in accordance with criteria established by the health care sharing ministry;
  - (d) provides for the financial or medical needs of a participant through contributions from one participant to another; and
  - (e) provides monetary amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the health care sharing ministry to the participants.
- (2) A health care sharing ministry shall:
- (a) provide a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contribution; and
  - (b) conduct an annual audit that is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and that is made available to the public upon request.
- (3) (a) A health care sharing ministry shall provide the written disclaimer provided for in subsection (3)(b) on all applications or distribute the disclaimer with any guideline materials distributed by or on behalf of the ministry.
- (b) The written disclaimer must read as follows: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company and its guidelines and plan of operation are not an insurance policy. Participation in the organization or a subscription to any of its documents should never be considered to be insurance. Whether anyone chooses to

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assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. Regardless of whether you receive any payment for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills."

**Insert: "Section 2.** Section 33-1-102, MCA, is amended to read:

**"33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs -- service contracts.** (1) A person may not transact a business of insurance in Montana or a business relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) The provisions of this code do not apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; ~~and~~

(c) fraternal benefit societies, except as stated in chapter 7; and

(d) health care sharing ministries as provided for in [section 1].

(3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations or to managed care community networks, as defined in 53-6-702, to the extent that the existence and operations of those organizations are governed by chapter 31 or to the extent that the existence and operations of those networks are governed by Title 53, chapter 6, part 7. The department of public health and human services is responsible to protect the interests of consumers by providing complaint, appeal, and grievance procedures relating to managed care community networks and health maintenance organizations under contract to provide services under Title 53, chapter 6.

(5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, parts 21 and 23, and related sections.

(6) The department of public health and human services may limit the amount, scope, and duration of services for programs established under Title 53 that are provided under contract by entities subject to this title. The department of public health and human services may establish more restrictive eligibility requirements and fewer services than may be required by this title.

(7) Except as otherwise provided in Title 33, chapter 22, this code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8.

(8) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.

(9) (a) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any

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arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program.

(10) (a) This code does not apply to the marketing of, sale of, offering for sale of, issuance of, making of, proposal to make, and administration of a service contract.

(b) A "service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of property or to indemnify for the repair, replacement, or maintenance of property if an operational or structural failure is due to a defect in materials or manufacturing or to normal wear and tear, with or without an additional provision for incidental payment or indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service. A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental damage from handling. A service contract does not include motor club service as defined in 61-12-301.

(11) (a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county, city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103.

(b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1]."

And, as amended, do pass. Report adopted.

**HB 35**, do pass. Report adopted.

**HB 43**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Following:** "elected official"

**Insert:** "who serves on the governing body of a local government"

2. Page 5, line 6.

**Following:** "5"

**Insert:** "and subsection (4)(c) of this section"

3. Page 5, line 7.

**Insert:** "(c) An insurer is not liable for an injury or occupational disease if the employee's medical use of marijuana, as defined in 50-46-102, is the major contributing cause of the injury or occupational disease.

(d) An insurer is not liable for payment of costs related to an employee's medical use of marijuana or the consequences of the employee's medical use of marijuana as a benefit payable under this chapter."

4. Page 6, line 18.

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**Following:** "injury"

**Insert:** ", subject to the limitations in 39-71-407 and 39-71-704"

5. Page 8, line 12.

**Strike:** "health insurer"

**Insert:** " group benefit plan"

6. Page 8, line 13.

**Following:** "chapter 18,"

**Strike:** "or"

**Insert:** "an insurer covered by"

7. Page 8, line 15 through line 19.

**Following:** "workplace"

**Strike:** "in the course" on line 15 through "marijuana" on line 19

**Insert:** "the medical use of marijuana"

8. Page 8, line 24 through line 27.

**Following:** "49-1-102" on line 24

**Strike:** "based on" on line 24 through "employment" on line 27

And, as amended, do pass. Report adopted.

**HB 153**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "paid"

**Insert:** "on behalf of the employee"

**Following:** "ministry"

**Insert:** "for the payment of required fees for operational costs of the health care sharing ministry"

2. Page 1, line 19.

**Strike:** "made on behalf of an employee"

3. Page 1, line 20.

**Strike:** "members"

**Insert:** "the member"

4. Page 1, line 21.

**Following:** "paid"

**Insert:** "on behalf of an employee"

**Following:** "or"

**Insert:** "to"

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5. Page 1, line 22.

**Strike:** "on behalf of an employee"

6. Page 9, line 7.

**Following:** "paid"

**Insert:** "on behalf of an employee"

**Following:** the first "ministry"

**Insert:** "for the payment of required fees for operational costs of the health care sharing ministry"

**Following:** "or"

**Insert:** "to"

**Following:** the second "ministry"

**Insert:** "for the payment of medical expenses of the member"

7. Page 9, line 8.

**Strike:** "on behalf of an employee"

8. Page 9, line 10.

**Following:** "ministry"

**Insert:** "for the payment of medical expenses of the person or the person's dependents"

9. Page 15, line 16.

**Following:** the first "ministry"

**Insert:** "for required fees for operational costs of the health care sharing ministry"

**Following:** the second "ministry"

**Insert:** "for the payment of the medical expenses of the member"

10. Page 17, line 15.

**Following:** "paid"

**Insert:** "on behalf of an employee located in Montana"

**Following:** "15-30-2101,"

**Insert:** "for the payment of required fees for operational costs of the health care sharing ministry"

11. Page 17, line 16.

**Strike:** "on" through "Montana"

**Insert:** "for the payment of medical expenses of the member"

12. Page 17, line 17.

**Strike:** "any"

**Insert:** "a"

And, as amended, do pass. Report adopted.

**HB 183**, introduced bill, be amended as follows:



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1. Page 4, line 29 through line 30.

**Following:** "means"

**Strike:** "an individual"

**Insert:** "a Montana resident"

**Following:** "taxpayer"

**Strike:** "directly"

**Following:** "or"

**Strike:** "whose compensation is"

**Insert:** "a Montana resident who is an independent contractor and who provides services to the taxpayer, the remuneration for which the taxpayer"

2. Page 5, line 10.

**Following:** "section."

**Insert:** "This section does not prevent an employer from claiming an exclusion, deduction, or credit for qualified health insurance expenses that exceed the amount for which the credit is allowed under this section."

3. Page 5.

**Following:** line 16

**Insert:** "(8) "Montana resident", for the purpose of determining eligibility for the tax credit provided in this section, means a resident as defined in 15-30-2101."

**Renumber:** subsequent subsections

4. Page 10, line 22.

**Strike:** "the deduction has not been included in"

**Insert:** "premiums were not deducted in calculating"

And, as amended, do pass. Report adopted.

**HB 185**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "DRUGS;"

**Insert:** "REQUIRING RULEMAKING BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;"

2. Page 16, line 7.

**Following:** "(5)"

**Insert:** "(a)"

3. Page 16

**Following:** line 8

**Insert:** "(b) Subsection (4)(gg) does not apply to synthetic cannabinoids approved by the U.S. food and drug administration and obtained by a lawful prescription through a licensed

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pharmacy. The department of public health and human services shall adopt a rule listing the approved cannabinoids and shall update the rule as necessary to keep the list current."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Peterson, Chairman): 2/1/2011  
**HB 292**, do pass. Report adopted.

**LOCAL GOVERNMENT** (MacLaren, Chairman): 2/1/2011  
**HB 123**, introduced bill, be amended as follows:

1. Page 2, line 9.

**Following:** "October."

**Insert:** "Notwithstanding the provisions of 15-10-321, if a county clerk and recorder fails to timely notify the department of the number of mills needed to be levied for each taxing jurisdiction in that county in accordance with subsection (1)(a), the department must have additional time to meet the notification requirement of this subsection (2) equal to the number of days that the notification required in subsection (1)(a) was received late by the department."

2. Page 5, line 18.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

3. Page 6, line 16.

**Following:** "August"

**Strike:** "15"

**Insert:** "20"

4. Page 6, line 21.

**Strike:** "15"

**Insert:** "25"

5. Page 8, line 17.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

6. Page 8, line 26.

**Following:** "the"

**Insert:** "later of the"

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**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

7. Page 9, line 15.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

8. Page 12, line 4.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

9. Page 14, line 22.

**Following:** "the"

**Insert:** "later of the"

10. Page 14, line 23.

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

11. Page 15, line 16.

**Following:** "instruction"

**Strike:** "not later than"

**Insert:** "on or before"

12. Page 15, line 23.

**Following:** "the"

**Insert:** "later of the"

13. Page 15, line 24.

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

14. Page 16, line 23.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

15. Page 17, line 16.

**Following:** "the"

**Insert:** "later of the"

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**Following:** "September "

**Insert:** "or within 30 calendar days after receiving certified taxable values"

16. Page 21, lines 9 and 10.

**Following:** "the" on line 9

**Insert:** "later of the"

**Following:** "September" on line 10

**Insert:** "or within 30 calendar days after receiving certified taxable values"

17. Page 22, line 18.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

18. Page 23, line 11.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

19. Page 23, line 27.

**Following:** "the"

**Insert:** "later of the"

**Following:** "September"

**Insert:** "or within 30 calendar days after receiving certified taxable values"

And, as amended, do pass. Report adopted.

**HB 211**, do pass. Report adopted.

**HB 212**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/1/2011

**SB 105**, introduced by Priest

**SB 126**, introduced by Larsen

**SB 135**, introduced by Balyeat

**SB 140**, introduced by Erickson

**SB 160**, introduced by Vincent

**SB 166**, introduced by Balyeat

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**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 392**, introduced by Knox, Howard, Hinkle, Warburton, Kerns, Regier, Jackson, G. Bennett, Rosendale, Wagner, Kary, Skees, McGillvray, Randall, Osmundson, Edmunds, Kennedy, O'Neil, Miller, C. Smith, referred to Federal Relations, Energy, and Telecommunications.

**HB 393**, introduced by McChesney, referred to Natural Resources.

**HB 394**, introduced by Hill, referred to Business and Labor.

**HB 395**, introduced by Hill, referred to Human Services.

**HB 396**, introduced by Small, referred to Human Services.

**HB 397**, introduced by Knox, C. Smith, Skees, Kerns, Kary, Wagner, Balyeat, Blasdel, Howard, Hansen, Osmundson, Kennedy, Warburton, O'Neil, Jackson, McGillvray, Edmunds, G. Bennett, Randall, referred to Education.

**HB 398**, introduced by Hunter, referred to Taxation.

**HB 399**, introduced by Arntzen, referred to Business and Labor.

**HB 400**, introduced by Arntzen, referred to Local Government.

**HB 401**, introduced by Arntzen, referred to Transportation.

**HB 402**, introduced by Rosendale, Cuffe, O'Hara, Ankney, Olson, Brenden, McChesney, Tutvedt, Knox, referred to Natural Resources.

**HB 403**, introduced by MacLaren, referred to Local Government.

**HB 404**, introduced by Hansen, referred to State Administration.

**HB 405**, introduced by Taylor, Tutvedt, MacLaren, referred to Business and Labor.

**HB 406**, introduced by O'Hara, referred to Business and Labor.

**HB 407**, introduced by Driscoll, referred to Agriculture.

**HB 408**, introduced by C. Smith, Taylor, McGillvray, Skees, Stahl, Blasdel, referred to Business and Labor.

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

**HJR 9**, introduced by Knox, Howard, Jackson, Kary, McGillvray, G. Bennett, Skees, Randall, O'Neil, Osmundson, Kennedy, Wagner, Edmunds, referred to Education.

**HJR 10**, introduced by Hill, referred to Business and Labor.

Rep. McChesney rose on a point of personal privilege to apologize for not going through the Chair during the previous day's floor debate.

**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 McNutt in the

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chair.

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

**HB 79** - Representative Evans moved **HB 79** 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, 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: Kerns.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 216** - Representative Miller moved **HB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, 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, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Barrett, Court, Hunter, Ingraham, Lavin, Malek, F. Smith, Squires.

Total 8

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 252** - Representative Hoven moved **HB 252** do pass. Motion carried 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, 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, 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

Nays: Burnett, Esp, O'Neil.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 302** - Representative Taylor moved **HB 302** 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, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

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

Total 37

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 196** - Representative Connell moved **HB 196** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNutt, 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 59

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

Excused: None.

Total 0

Absent or not voting: Greef.

Total 1

**HB 152** - Representative Washburn moved **HB 152** do pass.

**HB 152** - Representative Ankney moved for cloture.

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

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, 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, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

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



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Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Stahl.  
Total 1

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

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, 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, Williams, Yates, Mr. Speaker.  
Total 72

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Hendrick, Loney.  
Total 2

**MOTIONS**

Rep. McGillvray moved to pass consideration on **HB 154** on Third Reading. Rep. Hollenbaugh objected.

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

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Total 58

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**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 19** passed 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, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, 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, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale, Miller.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 24** passed as follows:

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Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Connell, Cuffe, Edmunds, Fitzpatrick, Flynn, Hale, Hansen, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McNiven, More, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 53** 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, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: G. Bennett, Burnett, Flynn, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Read, Skattum, C. Smith, Taylor, Vance, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 66** passed as follows:

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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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, 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: Howard, McGillvray.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 142** passed 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, 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

**HJR 5** adopted as follows:

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Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, 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, 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, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr.

Speaker.

Total 94

Nays: Burnett, Edmunds, Kennedy, Kerns, Knox, Vance.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### MOTIONS

Representative Welborn moved to change his vote on **HB 216** from Not Voting to Yes. Without objection, so ordered.

Representative McGillvray moved **HB 79** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 252** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 196** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

### UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 397**  
Motion carried.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 397**  
Motion carried.

**HB 397** (Knox Chief Sponsor)

Representative Beck, Brodehl, Edmunds, Kerns, Knox, More, Osmundson, O'Neil, Rosendale,

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Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 292**  
Motion carried.

**HB 292** (Kennedy Chief Sponsor)  
Representative Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 9**  
Motion carried.

**HJR 9** (Knox Chief Sponsor)  
Hinkle, Jackson, Beck, G. Bennett, Blasdel, Brodehl, Burnett, Edmunds, Kennedy, Kerns, Knox,  
More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl,  
Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **REMOVED** as sponsor to **HB 292**  
Motion carried.

**HB 292** (Kennedy Chief Sponsor)  
Representative Belcourt.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Rep. Hollenbaugh rose on a point of personal privilege regarding a comment made during  
Second Reading about the Secretary of State. He wished to state his displeasure that a charge  
had been made about a state officer and had not been addressed by the chair.

Further committee meeting announcements.

Rep. Sesso rose to a point of personal privilege about the comment made during Second  
Reading in regard to the Secretary of State. He expressed his wish for action to be taken about  
accusations.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, February 3,  
2011. Motion carried.

House adjourned at 2:50 p.m.

BETH CARGO

MIKE MILBURN

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Chief Clerk of the House

Speaker of the House