

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

Helena, Montana
February 4, 2011

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 2/4/2011

Correctly printed: **HB 102, HB 231, HB 255, HB 256, HB 279, HB 297, HB 309, HB 315, HB 356, HB 367.**

Correctly engrossed: **HB 179, HB 181, HB 283, HB 300, HB 307.**

Rep. Miller rose on a point of personal privilege to correct a statement made during the previous day's discussion on **HB 180**, regarding facts given.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/3/2011
HB 309, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 2/3/2011
HB 179, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "employment"

Insert: "or within the first 30 days of the probationary period if the probationary period is 30 days or longer"

And, as amended, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "GENDER"

Insert: "SEX"

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2. Title, page 1, line 7.

Strike: "SECTIONS 33-16-103 AND"

Insert: "SECTION"

3. Page 1, line 12 through line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 1.

Following: "~~sex or~~"

Insert: "sex or"

5. Page 2, following line 8.

Insert: "(4) Except as provided in subsection (5), it is not a violation of the prohibition against sex discrimination in this section for a person to use industry-approved actuarial standards based on sex in establishing insurance premium rates.

(5) An insurer or a health service corporation that issues or renews a policy, certificate, or membership contract of health insurance coverage as defined in 33-22-140 to a resident of this state may not use industry-approved actuarial standards based on sex to establish health plan premium rates."

6. Page 2, line 10 through line 18.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 300, introduced bill, be amended as follows:

1. Page 3, line 13.

Following: "(1)"

Insert: "(a)"

2. Page 3, line 17.

Strike: "(a)"

Insert: "(i)"

3. Page 3, line 19.

Strike: "(b)"

Insert: "(ii)"

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4. Page 3, following line 19.

Insert: "(b) Collective bargaining agreements covering cement plants and associated quarries that propose to extend the employment period beyond 8 hours a day must contain provisions that delineate the specific hours of work agreed upon by the employer and the collective bargaining agent."

And, as amended, do pass. Report adopted.

HB 307, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "dwelling"

Insert: ", a multiunit residential building that does not have more than one level above ground,"

Following: "or a"

Insert: "multilevel"

And, as amended, do pass. Report adopted.

HB 315, do pass. Report adopted.

HB 356, do pass. Report adopted.

HB 367, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/2/2011

HB 102, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/3/2011

HB 181, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: line 18

Insert: "(3)(a) For purposes of subsection (2), each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.

(b) The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change pursuant to subsection (2) or by the presiding officer of the association of unit owners."

And, as amended, do pass. Report adopted.

HB 231, do pass. Report adopted.

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STATE ADMINISTRATION (Ingraham, Chairman): 2/3/2011
HB 255, do pass. Report adopted.
HB 256, do pass. Report adopted.
HB 279, do pass. Report adopted.
HB 297, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/3/2011

SB 35, introduced by Hamlett
SB 133, introduced by De. Barrett
SB 173, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

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

HB 409, introduced by Beck, Sonju, Blasdel, Caferro, referred to Human Services.
HB 410, introduced by Beck, Sonju, Blasdel, Caferro, referred to Human Services.
HB 411, introduced by Wilmer, Menahan, referred to Natural Resources.
HB 412, introduced by Harris, Hale, Beck, Hendrick, Edmunds, Hinkle, Vance, Loney, Osmundson, Hollandsworth, C. Smith, Skees, Blyton, Wagner, Kary, Lavin, referred to Judiciary.
HB 413, introduced by Harris, Edmunds, Wagner, referred to Agriculture.
HB 414, introduced by Harris, Jackson, Hale, Beck, Olson, Balyeat, Edmunds, Hendrick, Osmundson, Hollandsworth, Hinkle, Blyton, C. Smith, Wagner, Sonju, Wittich, Loney, Knox, Skees, Kary, Blasdel, Lavin, Skattum, Kennedy, Arthun, Buttrey, Jones, referred to Federal Relations, Energy, and Telecommunications.
HB 415, introduced by Di. Barrett, referred to Business and Labor.
HB 416, introduced by Klock, referred to Business and Labor.
HB 417, introduced by Sands, referred to State Administration.
HB 418, introduced by Edmunds, referred to State Administration.
HB 419, introduced by Beck, Arthun, referred to Business and Labor.
HB 420, introduced by Malek, referred to Education.
HB 421, introduced by Malek, referred to Education.
HB 422, introduced by Hale, Vincent, G. Bennett, Olson, Murphy, McClafferty, Vuckovich, Yates, Noonan, Keane, referred to Natural Resources.
HB 423, introduced by Belcourt, Windy Boy, Caferro, Hiner, Ankney, Sesso, Hamlett, Stewart-Peregoy, Vuckovich, Keane, Noonan, Evans, Vincent, Gallus, Knudsen, F. Smith, Phillips, referred to Appropriations.
HB 424, introduced by Knudsen, referred to Appropriations.
HB 425, introduced by K. Peterson, referred to Judiciary.
HB 426, introduced by MacLaren, Sonju, Olson, C. Smith, McGillvray, Tutvedt, referred to Local Government.

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HB 427, introduced by Knox, Howard, Skees, Kennedy, Wagner, Kary, Blyton, referred to Business and Labor.

HB 428, introduced by Berry, Olson, referred to Business and Labor.

HB 429, introduced by Berry, McGillvray, K. Peterson, C. Smith, referred to Human Services.

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 99 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, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Hiner.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 180 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, 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, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner,

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Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 254 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

HB 272 passed 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, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

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

Total 26

Excused: None.

Total 0

Absent or not voting: Skees.

Total 1

House Recessed.

House Reconvened.

The Dillon Junior Fiddlers, founded by Jeannie and Sandy James, performed three songs.

**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 Connell in the chair.

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

HB 123 - Representative McClafferty moved **HB 123** 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, 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

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Absent or not voting: None.

Total 0

HB 211 - Representative Ingraham moved **HB 211** 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, 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 273 - Representative Mehlhoff moved consideration of **HB 273** be passed for the day.
Motion carried.

HB 185 - Representative Berry moved **HB 185** 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, 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

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 261 - Representative Rosendale moved **HB 261** do pass.

HB 261 - Representative McGillvray moved consideration of **HB 261** be passed for the day.
Motion carried.

HB 212 - Representative Ingraham moved **HB 212** 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, 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: Regier.

Total 1

HB 294 - Representative Cook moved **HB 294** do pass. Motion carried as follows:

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

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Total 83

Nays: Ankney, Barrett, Belcourt, B. Bennett, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, Loney, Malek, Mehlhoff, Peterson, Small, F. Smith, Squires.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 298 - Representative McNutt moved **HB 298** 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, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

HB 292 - Representative Kennedy moved **HB 292** 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

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Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, 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 198 - Representative K. Peterson moved **HB 198** do pass.

HB 198 - Representative K. Peterson moved **HB 198**, second reading copy, be amended as follows:

1. Page 1, line 22.

Following: "property"

Insert: ", as provided in Title 70, chapter 30,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, 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, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Boland, Flynn, Hale, Malek, McClafferty, Mehlhoff, Noonan, Schmidt, Squires.

Total 9

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

HB 198 - Representative K. Peterson moved **HB 198**, second reading copy, be amended as follows:

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1. Page 1, line 17 through line 18.

Strike: "ITS" on line 17 through "SERVICES" on line 18

Insert: "the customers of its regulated service"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, 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, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: B. Bennett, Boland, Hands, Malek, McClafferty, Noonan.

Total 6

Excused: None.

Total 0

Absent or not voting: Clark, C. Smith.

Total 2

HB 198 - Representative K. Peterson moved **HB 198**, as amended, do pass. Motion carried as follows:

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

Total 56

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Flynn, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 44

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

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

Total 73

Nays: B. Bennett, Boland, Court, Driscoll, Flynn, Furey, Hale, Hands, Hill, Hunter, MacDonald, McClafferty, McNally, Mehlhoff, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: Connell.

Total 1

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 206**
Motion carried.

HB 206 (MacLaren Chief Sponsor)

Arntzen, Berry, Connell, Flynn, Greef, Howard, McGillvray, Read, Reichner, C. Smith, Warburton, Welborn, Balyeat, Essmann, Olson, Sonju.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, February 5, 2011. Motion carried.

House adjourned at 2:51 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House