

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

Helena, Montana  
February 5, 2011

House Chambers  
State Capitol

House convened at 8:00 a.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Rep. Welborn. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Arntzen, Beck, Milburn, Skees, and Stahl, excused. Quorum present.

**BILLS** (O'Hara, Chairman): 2/5/2011

Correctly printed: **HB 49, HB 90, HB 93, HB 174, HB 384.**  
Correctly engrossed: **HB 34, HB 42, HB 280, HJR 6.**

Speaker Pro-Tem Taylor thanked the pages.

**MOTIONS**

Rep. Kennedy moved to pass consideration on **HB 292**. Without objection, so ordered.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (McNutt, Chairman): 2/4/2011  
**HB 34**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "14.6%"

**Insert:** "14.06%"

2. Page 2, line 5.

**Strike:** "2.4%"

**Insert:** "2.94%"

3. Page 3, line 1.

**Strike:** "14.6%"

**Insert:** "14.06%"

4. Page 3, line 6.

**Strike:** "2.4%"

**Insert:** "2.94%"

And, as amended, do pass. Report adopted.

**HB 42**, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

**Following:** "FUND;"

**Insert:** "EXTENDING THE ALLOCATION OF THE OIL AND NATURAL GAS PRODUCTION TAXES INTO THE COAL BED METHANE PROTECTION ACCOUNT; DELAYING THE ALLOCATION INCREASES TO THE NATURAL RESOURCES PROJECTS AND NATURAL RESOURCES OPERATIONS STATE SPECIAL REVENUE ACCOUNTS; EXTENDING THE TERMINATION DATE FOR CERTAIN DEPOSITS INTO THE COAL BED METHANE PROTECTION ACCOUNT;"

2. Title, page 1, line 6.

**Following:** "AMENDING" on line 6

**Strike:** "SECTION"

**Insert:** "SECTIONS 15-36-331 AND"

3. Title, page 1, line 7.

**Following:** "MCA;"

**Insert:** "AMENDING SECTION 10, CHAPTER 531, LAWS OF 2001;"

4. Page 1, line 10.

**Insert:** "**Section 1.** Section 15-36-331, MCA, is amended to read:

**"15-36-331. Distribution of taxes.** (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 17-2-124, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax allocated in 15-36-304(7)(b) for the oil and gas natural resource distribution account established in 90-6-1001(1) must be deposited in the account.

(3) (a) For each tax year, the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county according to the following schedule:

Big Horn	45.05%
Blaine	58.39%
Carbon	48.27%
Chouteau	58.14%
Custer	69.53%
Daniels	50.81%
Dawson	47.79%
Fallon	41.78%
Fergus	69.18%
Garfield	45.96%

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Glacier	58.83%
Golden Valley	58.37%
Hill	64.51%
Liberty	57.94%
McCone	49.92%
Musselshell	48.64%
Petroleum	48.04%
Phillips	54.02%
Pondera	54.26%
Powder River	60.9%
Prairie	40.38%
Richland	47.47%
Roosevelt	45.71%
Rosebud	39.33%
Sheridan	47.99%
Stillwater	53.51%
Sweet Grass	61.24%
Teton	46.1%
Toole	57.61%
Valley	51.43%
Wibaux	49.16%
Yellowstone	46.74%
All other counties	50.15%

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 17-2-124, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:

- (i) 1.23% to the coal bed methane protection account established in 76-15-904;
- (ii) 1.45% to the natural resources projects state special revenue account established in 15-38-302;
- (iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;
- (iv) 2.99% to the orphan share account established in 75-10-743;
- (v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and
- (vi) all remaining proceeds to the state general fund;

(b) for fiscal years beginning after June 30, 2011, and ending June 30, 2015, to be distributed as follows:

- (i) 1.23% to the coal bed methane protection account established in 76-15-904;
- ~~(i)~~(ii) 2.16% 1.45% to the natural resources projects state special revenue account established in 15-38-302;
- ~~(ii)~~(iii) 2.02% 1.45% to the natural resources operations state special revenue account

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established in 15-38-301;

~~(iii)~~(iv) 2.95% to the orphan share account established in 75-10-743;

~~(iv)~~(v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and

~~(v)~~(vi) all remaining proceeds to the state general fund;

(c) for fiscal years beginning after June 30, 2015, to be distributed as follows:

(i) 2.16% to the natural resources projects state special revenue account established in 15-38-302;

(ii) 2.02% to the natural resources operations state special revenue account established in 15-38-301;

(iii) 2.95% to the orphan share account established in 75-10-743;

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and

(v) all remaining proceeds to the state general fund."

**Renumber:** subsequent sections

5. Page 1, line 27.

**Strike:** "2011" through "2001"

**Insert:** "2015"

6. Page 1, line 28.

**Insert:** "Section 3. Section 10, Chapter 531, Laws of 2001, is amended to read:

"Section 10. Termination. [Sections 4(2) and 6] terminate June 30, ~~2011~~ 2015."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 49**, do pass. Report adopted.

**HB 90**, do pass. Report adopted.

**HB 93**, do pass. Report adopted.

**JUDICIARY** (Peterson, Chairman):

2/4/2011

**HB 174**, do pass. Report adopted.

**HB 280**, introduced bill, be amended as follows:

1. Page 2, line 25 through line 28.

**Following:** "that," on line 25

**Strike:** remainder of line 25 through "function" on line 28

**Insert:** "to a reasonable degree of medical certainty, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of the pregnancy without first determining gestational age to avert the woman's death or for which the delay necessary to determine gestational age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions"

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2. Page 3, line 3.

**Strike:** "or recklessly"

3. Page 3, line 4.

**Strike:** "felony"

**Insert:** "misdemeanor and upon conviction shall be punished by a term of imprisonment of not more than 6 months, by a fine of not more than \$1,000, or both"

And, as amended, do pass. Report adopted.

**HB 384**, do pass. Report adopted.

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

2/4/2011

**HJR 6**, introduced joint resolution, be amended as follows:

1. Page 1, line 18.

**Strike:** "first"

**Insert:** "third"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/4/2011

**SB 90**, introduced by Essmann

**SB 109**, introduced by De. Barrett

**SB 201**, introduced by Walker

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/4/2011

**SJR 6**, introduced by Olson

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 5**, introduced by Brown, referred to Agriculture.

**SB 11**, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**SB 38**, introduced by Hawks (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 46**, introduced by Tropila, Brown (by request of the Office of Budget and Program Planning), referred to Business and Labor.

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**SB 47**, introduced by Vincent (by request of the Environmental Quality Council), referred to Natural Resources.

**SB 53**, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 55**, introduced by Jent (by request of the Secretary of State), referred to State Administration.

**SB 66**, introduced by Lake (by request of the Education and Local Government Interim Committee), referred to Education.

**SB 69**, introduced by Wanzenried (by request of the Capitol Complex Advisory Council), referred to State Administration.

**SB 74**, introduced by Steinbeisser (by request of the Department of Agriculture), referred to Agriculture.

**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 Salomon in the chair.

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

**HB 319** - Representative McNutt moved **HB 319** do pass. Motion carried as follows:

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

Total 91

Nays: Belcourt, Blasdel, Evans, Hale, Kennedy, Kerns, O'Neil, Small, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 43** - Representative MacLaren moved consideration of **HB 43** be passed for the day.  
Motion carried.

**HB 209** - Representative Washburn moved **HB 209** 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, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, 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 64

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

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 165** - Representative Hollandsworth moved **HB 165** do pass. Motion carried as follows:

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

Total 63

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

Total 36

Excused: None.

Total 0

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Absent or not voting: Welborn.

Total 1

**HB 261** - Representative Rosendale moved **HB 261** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, 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, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, Boland, Court, Malek, Mehlhoff, Williams.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 224** - Representative F. Smith moved **HB 224** do pass. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 35

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

Total 65

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

Yeas: Ankney, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, 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, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.  
Total 83

Nays: B. Bennett, Boland, McNally, Noonan, Pease-Lopez, Phillips, Price, Sands, Schmidt, F. Smith, Squires.

Total 11

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: Hoven.

Total 1

### MOTIONS

**HB 292** - Representative Kennedy moved consideration of **HB 292** be placed at the bottom of the third reading board for the purpose of amendment. Motion carried.

### 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 123** passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, 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,

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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, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 94

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: Cuffe.

Total 1

**HB 185** passed as follows:

Yeas: Ankney, 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, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

**HB 211** passed as follows:

Yeas: Ankney, 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, Klock,

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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, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 94

Nays: Kerns.

Total 1

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

**HB 294** passed as follows:

Yeas: Ankney, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, 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, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates.

Total 82

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Hands, Hill, Loney, MacDonald, Malek, Peterson, Small, F. Smith, Williams.

Total 13

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

**HB 212** passed as follows:

Yeas: Ankney, 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,

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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, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

**HB 298** passed as follows:

Yeas: Ankney, 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, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

**HB 292** passed as follows:

Yeas: Ankney, Bangerter, 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,

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Total 63

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: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.  
Total 5

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Burnett moved to change his vote on **HB 185** from Not Voting to Yes. Without objection, so ordered.

Representative McGillvray moved **HB 209** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 165** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Sesso moved the following:

1. Page 1, line 1.

**Insert:** "NEW SECTION. Section 1. Greatest Professional Football Team -- of all time. The 62nd Legislature finds that the Green Bay Packers, winners of Super Bowl XLV, are deserving of memorialization in the Montana Code Annotated."

Amendment adopted as follows:

Yeas: Ankney, Barrett, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Hunter, Kary, Kerns, Klock, Loney, MacDonald, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Neil, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Welborn, Williams, Yates.  
Total 57

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Nays: Bangerter, Belcourt, Blyton, Clark, Connell, Cook, Cuffe, Edmunds, Evans, Greef, Hansen, Hollenbaugh, Howard, Ingraham, Kennedy, Knox, Knudsen, Lavin, MacLaren, Malek, Mehlhoff, More, O'Hara, Pease-Lopez, Peterson, Randall, Read, Reichner, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Wilmer.

Total 37

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: Osmundson.

Total 1

**SPECIAL ORDERS OF THE DAY**

Chief Clerk Cargo announced that when bills are passed for consideration for the day, if the members would keep their bill copies to save extra printing of the bill.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, February 7, 2011. Motion carried.

Representative McGillvray rose on a point of personal privilege regarding a headline in an article by *The Great Falls Tribune* which he believed incorrectly provided information about a bill brought by Representative Kennedy. Representative McGillvray requested a correction from *The Great Falls Tribune*.

House adjourned at 9:06 a.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House