

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

Helena, Montana  
February 7, 2011

House Chambers  
State Capitol

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

Roll Call. All members present, except Representative Knudsen, excused. Quorum present.

**BILLS** (O'Hara, Chairman): 2/7/2011

Correctly printed: **HB 161**.

Correctly engrossed: **HB 288, HB 327**.

Rep. Bennett introduced the pages for the week as follows:

**LEGISLATIVE ADMINISTRATION** (O'Hara, Chairman): 2/7/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, February 5, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Allison Cazier, Toston Carlton Michel, East Helena Cree Shield, Great Falls Amber Stenson, Dupuyer Clint Cooper, Polson Dustin Lenz, Billings Ashlee Kane, East Helena

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, February 7, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Matt McNeal, Pompey's Pillar Theresa Wrzesinski, Twin Bridges Kelsy Manger, White Sulphur Springs Kristian Honadel, Havre Shannon Young, Pony Canyon Rehbein, Lambert Samantha Nyberg, Big Timber Melissa Eder, Columbus

Report Adopted.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

**MOTIONS**

Rep. McGillvray moved that the House recess for the purpose of receiving an address by the Honorable, Congressman from the State of Montana, Denny Rehberg. Upon adjournment of the joint session, the House will reconvene at 2:00 p.m., February 7, 2011. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits outside the chamber.

Speaker Milburn requested Sgt-at-Arms Bean to admit the Senate.

Speaker Milburn introduced President Peterson and yielded the chair.

Sen. Essmann moved that the body resolve itself into a joint session for the purpose of receiving an address by the Honorable Congressman from the State of Montana, Denny Rehberg. Motion carried.

Sen. Essmann moved that the President be authorized to appoint a committee of four to notify Congressman Rehberg that we are in joint session and ready to receive his address.

President Peterson appointed Senators Brenden, Larsen, and Representatives More and Reinhart.

Sgt-at-Arms Clark announced that the committee to escort the Honorable Denny Rehberg awaits entrance to the House Chamber.

President Peterson requested that Sgt-at-Arms Clark admit Congressman Rehberg into the House Chamber.

President Peterson introduced Congressman Rehberg.

Congressman Rehberg made the following comments:

Thank you, Speaker Milburn and President Peterson. Addressing the Montana Legislature is always a high honor for me and also a bit of a homecoming.

I look around this Chamber and I see a lot of my old friends and former colleagues. Your faces remind me of all the ways we have worked together to serve the people of Montana - and make sure our state remains a great place to start a small business or to raise a big family!

Of course, it's good to see a lot of new faces out there as well! Congratulations to all of you who have taken your seats in this Legislature for the first time. Last November, people across Montana and across America spoke with a clear voice. Today, they speak through your voices.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

I know you will never forget what an honor it is to serve our state. On January 5 of this year, I took an Oath of Office myself once again. As in this Chamber, there were a lot of new faces as well. Like today, there was a man who was new to the title of "Speaker" but who wore it very well!

The Oath I took was to support and defend the Constitution of the United States and to "well and faithfully discharge" the duties of my office. My purpose today is to share with all of you how I propose that the new Congress and this new Legislature can work together effectively and live up to our Oaths together.

As you know, there are two basic visions of how the federal government should be in relationship with the states and rarely in American history has the difference between those visions been more obvious. One vision, paternalism, has been guiding the power brokers in Washington over the last two years:

It's the idea that the federal government knows best; it's the idea that state legislators like you need to be told what to do; it's the idea that the American people just need to shut up and let the "experts" do their thing.

I, for one, am glad that the American people did not shut up; and I'm glad they have rejected the insufferable arrogance that they saw coming out of Washington, DC.

The American people showed they believe in the second vision which is called states' rights. It's the idea that the people are the experts and that the best government is self-government; it's the idea that the states created the federal government not the other way around and that states like Montana remain the best "laboratories of democracy" in the entire world. It's the idea that Washington has important responsibilities but limited powers, and that when Washington tries to do too much, most of the time it tends to screw things up.

Like most Americans, I believe that states' rights is the right vision. Why? One reason is that our founders got a lot of things right. One of them, James Madison, wrote in the Federalist Papers that "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Another Founder, Thomas Jefferson, wrote this: "The several states composing the United States of America are not united on the principle of unlimited submission to their general government;"

Madison and Jefferson were smart guys - but I say: if you want to understand the wisdom of states' rights, you don't need to read about it in a history book; you can see it - right here in the assembled representatives of the Montana Legislature.

As members of the Montana Legislature, you represent the character and vitality of our great state. Some of you are job creators and running your own small businesses; some of you are public school teachers - and helping our children realize their full potential; others work in health care, energy, and other fields where technology is creating opportunities that our parents never

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

dreamed of; I see a few fellow parents in this Chamber by the way - and a few grandparents as well.

All of you have one thing in common: every single one of you is a citizen-legislator. The taxes you raise you will have to pay; the regulations you impose, you will have to comply with. You don't have to visit your constituents - you are your constituents: and your perspective will guide you to govern well.

My job as your Congressman is to defend the states' rights principle in Washington. That means focusing on the core responsibilities of the federal government; that means getting Washington off the backs of our people - as well as legislators like you in state capitals across America; and that means ending federal management of the gray wolf population here in Montana.

Unfortunately, the only thing growing faster than the gray wolf population is the number of obstructionist environmental groups and their lawyers. Environmental obstructionists found a federal judge in Missoula that was willing to ignore the scientific evidence as well as the expert opinions of on-the-ground wildlife managers here in Montana. And he ruled last August that the grey wolf had to remain on the Endangered Species List.

When I first heard his decision, like many of you, I wanted to take action immediately. I asked: How can we put some of these judicial activists on the Endangered Species List? I am still working on that! But in the meantime, I have introduced legislation that would permanently end federal jurisdiction over the gray wolf population - and return responsibility to the wildlife managers here in Montana.

By the way, I am glad to hear that Senator Baucus supports the federalist principle when it comes to the gray wolf population. I understand he told this Chamber a few weeks ago that: "Montanans, not Washington bureaucrats, know best how to manage wolves." That was well said. But I wonder when he's going to figure out that Montanans, not Washington bureaucrats, know best how to manage our own health care too!

You don't need me to tell you that the new federal health care law is one of the biggest affronts to states' rights in American history. Some Americans call this law "ObamaCare." But two federal judges have now called it "unconstitutional."

We knew some of the bad news on the front end: It's got half a trillion dollars in higher taxes; Another half trillion in cuts to Medicare; and thousands of pages of red tape.

But somehow the more we learn about the new health care law, the less there is to like. We have discovered that the new law imposed a huge burden of paperwork on small businesses by requiring them to submit countless "1099 Forms" to the IRS. We have heard that the employer mandate is so onerous that it may be cheaper for some employers to just pay the fine and eliminate health insurance coverage for their current employees. We have seen how the Obama Administration has granted "waivers" from its own health care law for more than 700 organizations a lot of them unions and the big dogs who can afford to hire the best-dressed

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

lobbyists in Washington. And legislators like you have learned the full extent of the unfunded mandate imposed through the expansion of the Medicaid program which in our state is estimated to blow a hole in our state budget of more than \$100 million through 2019.

I appreciate that the Supreme Court may ultimately declare the health care bill unconstitutional. I certainly hope they do so if it comes to that as a matter of law. But Congress passed this law, so Congress can repeal it. And on January 19th, I was proud to stand with 244 of my colleagues as we voted to repeal this terrible law. Unfortunately, we can't repeal the failed stimulus bill or all the other reckless federal spending over the last two years because the money's already out the door. You all know the numbers: the federal budget deficit this year will be over one trillion dollars for the third straight year, according to the nonpartisan Congressional Budget Office; Washington now borrows more than 40 cents of every dollar we spend; and our federal debt has grown to an unbelievable 14 trillion dollars.

All this spending has been unsuccessful because it didn't keep our national unemployment rate below 8 percent as the White House promised. And a lot of this spending has been just plain dumb: the Obama Administration sent about 89,000 stimulus checks to dead people; the stimulus bill also included: \$1.9 million for international ant research; \$700,000 to study why monkeys respond negatively to inequity; and nearly \$200,000 to study voter perceptions of the stimulus bill itself!

Here in Montana, we were promised that millions of stimulus dollars would go to the Whitetail Port of Entry until the Canadians decided that 5 vehicles a day wasn't worth their own taxpayer dollars and decided to close their side. And in what has to be the most ironic earmark of them all the omnibus spending bill that was blocked in the Senate right before Christmas included more than \$700,000 to compensate ranchers in Wisconsin, Minnesota, and Michigan whose cattle are eaten by--you guessed it--endangered wolves!

But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. Every dollar of the national debt is a dollar our children will not have the freedom to spend or to save for themselves. Every paycheck they receive will be smaller; their family budgets tighter, not because they chose to send their hard-earned money to Washington but because Washington took it and spent it before they even earned it--before they even got a chance to vote--for many of our children, before they were even born! This is what "taxation without representation" looks like in the 21st Century. And, it means our nation's fiscal mess is not just a math problem, it's a moral problem and we owe our children much better leadership.

The new majority in the House of Representatives believes we need to face our spending problem head-on--and that's why we unanimously voted to ban all earmarks in the 112th Congress. I stand before you as a reformed earmarker; I know this reform is long overdue; and I know it's just the first step we needed to take to get back on the path of fiscal discipline. More difficult spending decisions lie ahead and I will help lead this effort as Chairman of the Appropriations Subcommittee for Labor, Health and Human Services, and Education. This is the

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

subcommittee that has the power to end funding for ObamaCare. It's the subcommittee with major responsibilities for entitlement reform.

My colleagues and I will help re-establish fiscal discipline in Washington but that doesn't mean the battle for states' rights is over. Instead, we can already see the battle shifting: from the halls of the Capitol to the layers of federal bureaucracy that are imposing huge new regulatory burdens on the American people. And even when Congress hasn't given federal agencies more power, they've taken it anyway: when Congress didn't pass the disastrous "cap and trade" bill, the Environmental Protection Agency said: no problem! We'll just reclassify carbon dioxide - that's the stuff you and I are exhaling right this very minute as a "pollutant" that they now can regulate under the Clean Air Act.

And last week, the EPA claimed that it now has jurisdiction over spilled milk. I am not making this up. You see, Congress gave the agency responsibility over oil spills - which makes sense. But someone told them that milk contains animal fat - which is a form of non-petroleum oil. And ... well you get the picture. The impact on Montana's dairy farmers could be severe not to mention surreal. They may soon have to develop "emergency management plans" for spilled milk - as well as train "first responders." I say: If anyone wants a "first responder" for spilled milk, just adopt a cat!

Here's another example of regulatory overreach that hits us close to home here in Montana. A lot of us were surprised to learn that the Obama Administration developed a secret plan in the Interior Department to take over millions of acres of our state by declaring them a "national monument." To borrow a phrase from President Obama: "Let me be clear." No additional national monuments should be created in our state without input from the people of Montana and the approval of Congress. I've introduced legislation to stop federal bureaucrats from abusing their regulatory powers and I assure you I will be on high alert for any other power grabs that could impact our state.

As I'm fighting the battle for states' rights in Washington, I encourage all of you to continue to make the case for good government here in Helena. I implore you: keep the pressure on us in Congress. Show us how the new health care law is busting the state budget and don't make it any easier for it to be implemented in our state.

Don't wait on Congress to send a balanced budget amendment to the states for ratification: instead, send a petition to Congress to force us to call a constitutional convention if we fail to act! And continue to pass resolutions to call attention to our broken immigration system and other ways the federal government is failing the people of Montana.

By far the best thing you can do is to continue to be one of the best performing "laboratories of democracy" in America: by keeping government spending and taxes under control; by making sure Montana remains a great place to build a business and raise a family; by showing that Montana doesn't have a lot to learn from Washington though we do have a lot of commonsense solutions to share.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

I believe over the next several years we will witness the implosion of the "paternalistic" model of government: California has doubled down on its high tax, high regulation experiment with big government. Illinois just raised personal income taxes by 66 percent! Our state has a tremendous opportunity: to present itself as the compelling contrast to these failed models; to help restore faith in limited government and to prove the wisdom of states' rights.

Conclusion: Honor the Troops

Whatever happens over the next 90 days and during your entire term in office, I hope you will remember to be humble in your public service as I am: None of us are perfect creatures in the sight of God - but all of us are made in His image - and our oaths call us to live and lead by His example of love and self-sacrifice. Also remember that our freedom isn't free. Even as we speak, Montanans are defending liberty in far-off places that are full of danger. Everybody says to pray for our troops - and of course we all should. But we should also try to see America - and our beloved Montana - as our troops see it: a place well worth defending; Because it remains a land of promise.

God bless you all and God Bless the Great State of Montana.

President Peterson instructed the committee of four to escort the Congressman and guests from the chamber.

Sen. Essmann moved that the joint session be adjourned. Motion carried.

Rep. McGillvray moved that the House Republicans caucus. Without objection, so ordered.

House Recessed.  
House Reconvened.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Reichner, Chairman):  
**HB 288**, introduced bill, be amended as follows:

2/4/2011

1. Title, page 1, line 9.

**Following:** "1-1-215,"

**Insert:** "20-5-321,"

2. Page 1, line 29.

**Strike:** "may declare"

**Insert:** "has jurisdiction over"

3. Page 2, lines 1 through 3.

**Strike:** subsection (6) in its entirety

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

4. Page 2.

**Following:** line 5

**Insert:** "(6) Except as provided in Title 20, chapter 5, part 5, and this section, the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or an act of the minor's guardian."

5. Page 2, line 7.

**Insert:** "**Section 2.** Section 20-5-321, MCA, is amended to read:

**"20-5-321. Attendance with mandatory approval -- tuition and transportation.** (1) An out-of-district attendance agreement that allows a child to enroll in and attend a school in a Montana school district that is outside of the child's district of residence or in a public school district of a state or province that is adjacent to the county of the child's residence is mandatory whenever:

(a) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and the resident district does not provide transportation;

(b) (i) the child resides in a location where, because of geographic conditions between the child's home and the school that the child would attend within the district of residence, it is impractical to attend school in the district of residence, as determined by the county transportation committee based on the following criteria:

(A) the length of time that is in excess of the 1-hour limit for each bus trip for an elementary child as authorized under 20-10-121;

(B) whether distance traveled is greater than 40 miles one way from the child's home to school on a dirt road or greater than a total of 60 miles one way from the child's home to school in the district of residence over the shortest passable route; or

(C) whether the condition of the road or existence of a geographic barrier, such as a river or mountain pass, causes a hazard that prohibits safe travel between the home and school.

(ii) The decision of the county transportation committee is subject to appeal to the superintendent of public instruction, as provided in 20-3-107, but the decision must be considered as final for the purpose of the payment of tuition under 20-5-324(5)(a)(ii) until a decision is issued by the superintendent of public instruction. The superintendent of public instruction may review and rule upon a decision of the county transportation committee without an appeal being filed.

(c) the child is a member of a family that is required to send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided that the child resides more than 3 miles from an elementary school in the resident district or that the parent is required to move to the elementary district where the high school is located to enroll another child in high school. A child enrolled in an elementary school pursuant to this subsection (1)(c) may continue to attend the elementary school after the other child has left the high school.

(d) the child is under the protective care of a state agency or has been adjudicated to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103; or

(e) the child is required to attend school outside of the district of residence as the result of a placement in foster care or a group home licensed by the state; or

~~(f) the child is residing with a caretaker relative who wants to enroll the child pursuant to~~

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

~~20-5-502.~~

(2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district that the child will attend.

(b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.

(c) (i) The trustees of the district of choice may waive any or all of the tuition rate. The trustees of the district of choice may waive the tuition for all students whose tuition is required to be paid by one type of entity and may charge tuition for all students whose tuition is required to be paid by another type of entity. However, any waiver of tuition must be applied equally to all students whose tuition is paid by the same type of entity.

(ii) As used in this subsection (2)(c), "entity" means a parent, a guardian, the trustees of the district of residence, or a state agency.

(3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of attendance shall approve the out-of-district attendance agreement. The trustees of the district of attendance shall:

(a) notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days; and

(b) submit the agreement for a student attending under the provisions of subsection (1)(d) or (1)(e) to the superintendent of public instruction for approval for payment under 20-5-324.

(4) Unless the child is a child with a disability who resides in the district, the trustees of the district where the school to be attended is located may disapprove an out-of-district attendance agreement whenever they find that, because of insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child.""

**Renumber:** subsequent sections

6. Page 2, line 15.

**Following:** "after"

**Insert:** "the parents"

7. Page 2, line 16.

**Strike:** "leaving"

**Insert:** "leave"

8. Page 2, line 17.

**Following:** "unable"

**Insert:** "or unwilling"

9. Page 2, line 26.

**Strike:** "Except for a child with an individualized education program, if"

**Insert:** "If"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

10. Page 2, line 28.

**Following:** "enrollment."

**Insert:** "Decisions involving enrollment of a child with an individualized education program plan must be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its implementing regulations at 34 CFR, part 300, and the applicable provisions of Title 20, chapter 7, part 4."

And, as amended, do pass. Report adopted.

**HB 327**, introduced bill, be amended as follows:

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

**Following:** "DISTRICTS;"

**Strike:** "ELIMINATING" on line 10 through "BALLOTS;" on line 11

2. Title, page 1, line 12.

**Strike:** "20-9-426, 20-9-427,"

3. Page 2, line 9.

**Following:** "1-6-101"

**Insert:** "or 2-16-116"

4. Page 5, line 4 through page 6, line 15.

**Strike:** sections 6 and 7 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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

2/4/2011

**HB 161**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/5/2011

**SB 189**, introduced by Keane

**SB 117**, introduced by Hinkle

**SB 132**, introduced by Essmann

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 7**, introduced by Keane, referred to Federal Relations, Energy, and Telecommunications.

**SB 62**, introduced by Jones (by request of the Public Service Commission), referred to Federal

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Relations, Energy, and Telecommunications.

**SB 65**, introduced by Jackson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

**SB 76**, introduced by Jent (by request of the Department of Public Health and Human Services), referred to Judiciary.

**SB 103**, introduced by Jackson, referred to Natural Resources.

**SB 104**, introduced by Priest, referred to Federal Relations, Energy, and Telecommunications.

**SB 128**, introduced by Lake, referred to Local Government.

**SB 165**, introduced by Balyeat, Olson, Steinbeisser, Windy Boy, Hutton, Brenden, Keane, C. Smith, Vance, Berry, Jackson, Wittich, Hinkle, Stewart-Peregoy, Arthun, Moore, Shockley, Buttrey, Gibson, Essmann, Jones, referred to Business and Labor.

**SB 203**, introduced by Zinke, Ripley, Buttrey, Moore, Hutton, Blewett, referred to Business and Labor.

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

**HB 430**, introduced by Loney, Wittich, O'Hara, Wilmer, Price, Kary, Harris, Skattum, referred to Local Government.

**HB 431**, introduced by Regier, Blasdel, Taylor, C. Smith, Sands, referred to State Administration.

**HB 432**, introduced by Berry, referred to Business and Labor.

**HB 433**, introduced by G. Bennett, Miller, Reichner, Connell, Jackson, Howard, Cuffe, Blasdel, Loney, referred to Natural Resources.

**HB 434**, introduced by Fitzpatrick, Shockley, referred to Natural Resources.

**HB 435**, introduced by Skees, Hale, Vance, Kerns, Edmunds, Hendrick, Randall, Burnett, Rosendale, Osmundson, Jackson, Blasdel, More, referred to Judiciary.

**HB 436**, introduced by Fitzpatrick, referred to Judiciary.

**HB 437**, introduced by Price, Court, Furey, Noonan, Phillips, Wilmer, Schmidt, Hands, Loney, Di. Barrett, Sands, Driscoll, Swanson, O'Hara, McNally, B. Bennett, Boland, referred to Human Services.

**HB 438**, introduced by McGillvray, Hutton, C. Smith, Taylor, Howard, G. Bennett, Warburton, Regier, Arntzen, referred to Judiciary.

**HB 439**, introduced by Hollenbaugh, Phillips, Hollandsworth, Menahan, Gallus, Larsen, Hunter, Hiner, C. Williams, Furey, Olson, Mehlhoff, Sesso, Gillan, Ankney, Noonan, Schmidt, Tropila, Arntzen, Driscoll, Boland, MacDonald, McChesney, Belcourt, Sands, Gibson, Hill, Price, Keane, F. Smith, Howard, Swanson, Wagner, McNally, Lewis, Caferro, Wilmer, Branae, K. Williams, Hamlett, Pease-Lopez, Malek, B. Bennett, Blasdel, Reinhart, Welborn, Salomon, Cuffe, Van Dyk, Fitzpatrick, Stewart-Peregoy, Augare, Miller, Squires, Windy Boy, Jent, Erickson, Kaufmann, Hands, Stahl, Brodehl, Reichner, Hoven, Blewett, Vuckovich, Hansen, Di. Barrett, O'Hara, McClafferty, Wanzenried, Moss, McNutt, Facey, Court, referred to Appropriations.

**HB 440**, introduced by Salomon, Stahl, Taylor, C. Smith, Blasdel, Ankney, McNiven, Kary, Knox, referred to Business and Labor.

**HB 441**, introduced by Fitzpatrick, Howard, Blasdel, referred to Business and Labor.

**HB 442**, introduced by Phillips, referred to Judiciary.

**HB 443**, introduced by Burnett, C. Smith, More, Wittich, Randall, Skees, Miller, Edmunds, Harris,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Walker, referred to Agriculture.

**HB 444**, introduced by Burnett, Greef, Walker, Wittich, Miller, Randall, Cuffe, C. Smith, Hollandsworth, O'Neil, Kerns, O'Hara, Blasdel, More, Arntzen, Skees, Connell, Ehli, Reichner, Edmunds, Harris, Kary, Salomon, Regier, Osmundson, Gibson, referred to State Administration. The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 11**, introduced by Phillips, referred to Natural Resources.

Representative Miller point of personal privilege announcing that Representative Knudsen was at the hospital for the birth of his child.

**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 Schmidt in the chair.

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

**HB 279** - Representative F. Smith moved **HB 279** 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, 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: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

**HB 297** - Representative Berry moved **HB 297** 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, 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, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 97

Nays: Wagner.

Total 1

Excused: Knudsen.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

**HB 255** - Representative Wilmer moved **HB 255** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, 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 96

Nays: Edmunds, Kerns, More.

Total 3

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

**HB 256** - Representative Wilmer moved **HB 256** do pass.

**HB 256** - Representative Wilmer moved **HB 256**, second reading copy, be amended as follows:

1. Page 1, line 24.

**Strike:** "a" through "93,"

Amendment adopted 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, 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: Knudsen.

Total 1

Absent or not voting: None.

Total 0

**HB 256** - Representative Wilmer moved **HB 256**, as amended, 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, 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

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Nays: None.

Total 0

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

**HB 143** - Representative Stahl moved **HB 143** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 78

Nays: Barrett, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Fitzpatrick, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Phillips, Reinhart, Schmidt, Taylor, Williams, Wilmer, Yates.

Total 21

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

**HB 219** - Representative McGillvray moved **HB 219** 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, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, 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 66

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

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.  
Total 33

Excused: Knudsen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 30** - Representative C. Smith moved **HB 30** 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, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, 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 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.  
Total 29

Excused: Knudsen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 153** - Representative C. Smith moved **HB 153** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, 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 65

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, 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 34

Excused: Knudsen.

Total 1

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 Schmidt 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, Connell, Cook, Cuffe, Driscoll, 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, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, 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, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: B. Bennett, Boland, Court, Hands, Hill, Malek, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 18

Excused: Knudsen.

Total 1

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 198** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hands,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Roberts, Salomon, Schmidt, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Wilmer, Mr. Speaker.  
Total 69

Nays: Barrett, B. Bennett, Blasdel, Clark, Court, Edmunds, Flynn, Furey, Hale, Hansen, Hill, Kerns, MacDonald, Malek, McClafferty, Miller, More, Noonan, O'Neil, Pease-Lopez, Randall, Reinhart, Rosendale, Sands, Sesso, Skees, Wagner, Welborn, Williams, Yates.  
Total 30

Excused: Knudsen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 261** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, 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, Court, Malek, Mehlhoff, Williams.  
Total 5

Excused: Knudsen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 319** 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, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, 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, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Evans, Hale, Kennedy, Kerns, O'Neil, Read, Wagner.

Total 7

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Kennedy moved to change his vote on **HB 198** from Yes to No. Multiple objections, not ordered.

Representative Kennedy moved to reconsider the action taken on **HB 292** on the twenty ninth legislative day.

Representative Sesso rose on a point of clarification about the status of the bill after passing third reading. Speaker Milburn clarified that it was in the possession of the House with the concurrence of the Senate.

Motion on **HB 292** passed:

Yeas: 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, 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, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Ankney, 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, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

Representative McGillvray moved **HB 143** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 153** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative O'Hara rose on a point of personal privilege to congratulate Representative Sesso on the Packers winning the Super Bowl.

Speaker Milburn addressed the status of bills in regard to transmittal deadlines.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, February 8, 2011. Motion carried.

House adjourned at 3:21 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House