

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 15, 2011

House Chambers
State Capitol

House convened at 2:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. MacLaren. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 2/15/2011

Correctly printed: **HB 227, HB 299, HB 306, HB 312, HB 321, HB 334, HB 377, HB 399, HB 408, HB 409, HB 410, HB 414, HB 428, HB 490, HB 492.**

Correctly engrossed: **HB 116, HB 122, HB 134, HB 135, HB 310, HB 362, HB 386, HB 389, HB 412, HB 429, HB 438, HB 480.**

Correctly enrolled: **HB 21, HB 60.**

Examined by the sponsor and found to be correct: **HB 21, HB 60.**

Signed by the Speaker at 5:06 p.m., February 15, 2011: **HB 21.**

Signed by the Chief Clerk of the House at 4:30 p.m., February 15, 2011: **HB 21.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/14/2011
HB 334, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 2/14/2011
HB 414, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 2/11/2011
HB 312, do pass. Report adopted.
HB 377, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 2/14/2011
HB 227, do pass. Report adopted.
HB 389, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "fine"

Insert: "civil penalty"

Following: "violation"

Insert: ", which must be distributed as provided in 3-10-601(3)"

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2. Page 1, line 19.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 409, do pass. Report adopted.

HB 410, do pass. Report adopted.

HB 429, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "TELEMEDICINE"

Insert: "ELECTRONIC MEANS TO CONDUCT EXAMS"

2. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "37-1-316,"

3. Page 1, line 15.

Insert: "**Section 1.** Section 37-1-316, MCA, is amended to read:

"37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied;

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) use of alcohol, a habit-forming drug, or a controlled substance as defined in Title 50,

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chapter 32, to the extent that the use impairs the user physically or mentally in the performance of licensed professional duties;

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(12) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(13) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(14) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(15) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(16) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:

(a) peer review committee;

(b) professional association; or

(c) local, state, federal, territorial, provincial, or Indian tribal government;

(17) failure of a health care provider, as defined in 27-6-103, to comply with a policy or practice implementing 28-10-103(3)(a);

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards;

(19) the sole use of any electronic means, including teleconferencing, to obtain the information required for the physician affidavit that would be used to petition a court for authorization for the medical use of marijuana as provided in Title 50, chapter 46.""

Renumber: subsequent sections

4. Page 4, line 13.

Following: "perjury"

Insert: "-- confidentiality"

5. Page 8, line 14.

Following: "(16)"

Insert: "(a)"

6. Page 8, line 16.

Following: "affidavit,"

Insert: "and"

Following: "documentation"

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Strike: ", and court order"

Insert: "are confidential and"

7. Page 8, line 20.

Following: "only"

Strike: "necessary"

Insert: "allowed by a court"

8. Page 8, line 22.

Strike: "(a)"

Insert: "(i)"

9. Page 8, line 24.

Strike: "(b)"

Insert: "(ii)"

10. Page 8.

Following: line 26

Insert: "(b) A court order allowing the medical use of marijuana by a petitioner is a public document."

11. Page 10, line 17.

Following: "(c)"

Insert: "except as provided in subsection (2),"

12. Page 10, line 25.

Following: "worship;"

Strike: "or"

13. Page 10.

Following: line 25

Insert: "(vii) in a health care facility as defined in 50-5-101; or"

Renumber: subsequent subsection

14. Page 10.

Following: line 26

Insert: "(2) A hospice licensed under Title 50, chapter 5, may adopt a policy that allows medical use of marijuana."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/14/2011

HB 306, do pass. Report adopted.

HB 310, introduced bill, be amended as follows:

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1. Title, page 1, line 7.

Following: "OF"

Insert: "PURPOSE AND"

2. Title, page 1, line 7 through line 8.

Strike: "AND" on line 7 through "LINES" on line 8

3. Title, page 1, line 8.

Strike: "AND"

4. Title, page 1, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1.

Following: line 11

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 13-27-202, MCA, is amended to read:

"13-27-202. Recommendations -- approval of form required. (1) A proponent of a ballot issue shall submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements intended to comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary of state shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.

(2) (a) The legislative services division staff shall review the text and statements for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division, the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.

(b) Within 14 days after submission of the text and statements, the legislative services division staff shall recommend in writing to the proponent revisions to the text and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no revisions are recommended.

(c) The proponent shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not recommended, a response is not required.

(3) The legislative services division shall furnish a copy of the correspondence provided for in subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

(4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if the text or a ballot statement contains material not submitted to the legislative services division that is a substantive change not recommended by the legislative services division. If accepted, the secretary of state shall refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal sufficiency of the issue and

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for approval of the petitioner's ballot statements and for a determination pursuant to 13-27-312 as to whether a fiscal note is necessary.

(5) (a) The secretary of state shall review the legal sufficiency opinion and ballot statements of the petitioner, as approved by the attorney general and received pursuant to 13-27-312.

(b) If the attorney general approves the proposed issue, the secretary of state shall immediately send to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the statement of purpose and implication, and the for and against statements ~~of implication~~, as prepared by the petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any interested parties who have made a request to be informed of an approved petition.

(c) If the attorney general rejects the proposed issue, the secretary of state shall send written notice to the person who submitted the proposed issue of the rejection, including the attorney general's legal sufficiency opinion.

(d) If an action is filed challenging the validity of the petition, the secretary of state shall immediately notify the person who submitted the proposed issue."

Insert: "Section 2. Section 13-27-204, MCA, is amended to read:

"13-27-204. Petition for initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by initiative:

PETITION TO PLACE INITIATIVE NO. _____
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of voters signing this petition is _____, this initiative will appear on the next general election ballot. If a majority of voters vote for this initiative at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following initiative on the _____, 20____, general election ballot:

(Title of initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the initiative, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the initiative on the ballot and does not necessarily mean the signer agrees with the initiative.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and

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middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 3. Section 13-27-205, MCA, is amended to read:

"13-27-205. Petition for referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. _____
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is _____, Senate (House) Bill Number _____ will appear on the next general election ballot. If a majority of voters vote for this referendum at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number _____, passed by the legislature on _____ on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)
(Statement of purpose and implication written pursuant to 13-27-312)
(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the referendum, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the referendum on the ballot and does not necessarily mean the signer agrees with the referendum.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 4. Section 13-27-206, MCA, is amended to read:

"13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there will be a constitutional convention:

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PETITION TO PLACE
INITIATIVE NO. _____, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is _____, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the _____, 20____, general election ballot:

(Title of the initiative written pursuant to 13-27-312)
(Statement of purpose and implication written pursuant to 13-27-312)
(For and against statements written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the signature, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer.""

Insert: "Section 5. Section 13-27-207, MCA, is amended to read:

"13-27-207. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for an initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO. _____ ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of one-half of the counties sign this petition and the total number of voters signing the petition is _____, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

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(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the _____, 20__ , general election ballot:

(Title of the proposed constitutional amendment written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the constitutional amendment, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 6. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation of fiscal note. (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the proposed ballot issue for legal sufficiency as provided in this section and shall determine whether the ballot statements comply with the requirements of this section.

(2) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters:

(a) a statement of purpose and implication, not to exceed ~~400~~ 135 words, explaining the purpose and implication of the issue; and

(b) ~~statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the issue~~ for and against statements in the form prescribed in subsection (6).

(3) If the proposed ballot issue has an effect on the revenue, expenditures, or fiscal liability of the state, the attorney general shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the ballot issue, is responsible for preparing the fiscal note and shall return it to the attorney general within 10 days. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more than 50

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words, and the statement must be used on the petition and ballot if the issue is placed on the ballot.

(4) The ballot statements must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the issue.

(5) Unless altered by the court under 13-27-316, the statement of purpose and implication is the petition title for the issue circulated by the petition and the ballot title if the issue is placed on the ballot.

(6) The ~~statements of implication for and against statements~~ must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking of the ballot in a manner similar to ~~but not limited to~~ the following example:

FOR ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue and its number)

AGAINST ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue and its number)

(7) The attorney general shall review the proposed ballot issue for legal sufficiency. As used in this part, "legal sufficiency" means that the petition complies with statutory and constitutional requirements governing submission of the proposed issue to the electors. Review of the petition for legal sufficiency does not include consideration of the substantive legality of the issue if approved by the voters. The attorney general shall also determine if the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(8) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney general shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

(b) If the attorney general determines that the proposed ballot issue is legally sufficient, the attorney general shall also forward to the secretary of state the petitioner's ballot statements that comply with the requirements of this section. If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The attorney general shall give the secretary of state notice of whether the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(c) If the attorney general determines that the proposed ballot issue is not legally sufficient, the secretary of state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-27-316 and the attorney general has approved or prepared ballot statements under this section."

Insert: "Section 7. Section 13-27-315, MCA, is amended to read:

"13-27-315. Statements by attorney general on issues referred by legislature. Upon receipt of ~~an a ballot~~ issue referred by the legislature from the secretary of state pursuant to 13-27-209, the attorney general shall prepare and forward to the secretary of state, within 30 days, ballot statements as provided in 13-27-312, except that the attorney general may not prepare ~~statements a statement of purpose and~~ implication of a vote for or against a ballot issue if the ~~statements have~~ statement has been provided by the legislature."

Insert: "Section 8. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. (1) The secretary of state shall furnish to the official of each county responsible for preparation of the ballots, at the same time as

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the election administrator certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

(2) The secretary of state shall list for each ballot issue:

(a) the number;

(b) the method of placement on the ballot;

(c) the title;

(d) the attorney general's explanatory statement, if applicable;

(e) the fiscal statement, if applicable;

(f) the ~~statements~~ statement of the purpose and implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot;

(g) the for and against statements; and

~~(g)~~(h) a statement that the ballot issue conflicts with one or more issues, referenced by number, that also appear on the ballot, if applicable.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

(a) an act referred by the legislature;

(b) an amendment to the constitution proposed by the legislature;

(c) an act of the legislature referred by referendum petition; or

(d) a law or constitutional amendment proposed by initiative petition."

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 362, introduced bill, be amended as follows:

1. Page 28, line 8.

Strike: "three"

Insert: "one"

Strike: "trips"

Insert: "trip"

And, as amended, do pass. Report adopted.

HB 386, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "VEHICLES;"

Insert: "REVISING THE AGENCY RESPONSIBLE FOR COMPLIANCE WITH FUEL ECONOMY STANDARDS;"

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2. Title, page 1, line 8.

Following: "2-17-414,"

Insert: "2-17-415,"

3. Title, page 1, line 8.

Strike: "AND"

Following: "2-17-422,"

Insert: "AND 2-17-423,"

4. Page 1, line 21.

Following: "patrol"

Insert: ", the general services division of the department of administration, or the disaster and emergency services division of the department of military affairs"

5. Page 1, line 22.

Following: line 21

Insert: "(5) The provisions of this section do not apply to an entity listed in subsection (2) if the department of transportation is unable to accommodate the entity's needs or if the entity is located outside of Helena."

6. Page 2, line 17.

Following: line 16

Insert: "**Section 4.** Section 2-17-415, MCA, is amended to read:

"2-17-415. Definitions. As used in 2-17-415 through 2-17-418, the following definitions apply:

(1) "Agency" has the meaning provided in 2-15-102, but does not include the office of the governor, the attorney general, or the highway patrol.

(2) "CAFE standard" means the average fuel economy standard as provided in 49 U.S.C. 32904.

(3) "Department" means the department of ~~administration~~ transportation provided for in ~~2-15-1001~~ 2-15-2501.

(4) "Director" means the director of the department.

(5) "Vehicle fleet" means all state vehicles that are owned by the state of Montana except those used in the service of the governor, the attorney general, or the highway patrol.""

Renumber: subsequent sections

7. Page 2, line 20.

Strike: "of the department of transportation"

Insert: "of each agency that uses or leases motor vehicles from the department"

8. Page 3, line 10.

Following: "The department shall"

Insert: "coordinate with the department of administration to"

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9. Page 3, line 14 and line 15.

Strike: "of transportation"

10. Page 3, line 25.

Following: line 24

Insert: "**Section 9.** Section 2-17-423, MCA, is amended to read:

"2-17-423. Rules. (1) The department of transportation may adopt and enforce reasonable rules governing the maintenance and operation of motor vehicles under control of the department.

(2) The department shall establish reasonable rules governing:

(a) the manner and procedure by which motor pool vehicles may be rented or leased to state officials, state agencies, or state employees;

(b) procedures for determining when a motor pool vehicle is not available for use; ~~and~~

(c) rental charges for a motor pool vehicle that may include reimbursement of actual costs for administration, maintenance, service, operation, storage, replacement, and disposal costs; and

(d) when an entity listed in 2-17-411(2) may rent a vehicle from a private company.

(3) The department shall adopt and formulate travel rules providing:

(a) for scheduling of motor pool vehicles and filing an application for travel showing destination and date and time of departure and;

(b) for filing a report upon completion of the trip, showing mileage traveled and date and time of return.""

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/14/2011

HB 21, introduced by Di. Barrett

HB 60, introduced by MacLaren

Senate bill concurred in and returned to the House:

2/14/2011

SB 89, introduced by Wittich

FIRST READING AND COMMITMENT OF BILLS

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

HB 549, introduced by Read, Wagner, Knox, Loney, More, Howard, Beck, C. Smith, G. Bennett, O'Neil, Warburton, Kerns, Arntzen, Klock, McNutt, Hale, Blyton, Skees, Skattum, Roberts, Rosendale, Hollandsworth, Regier, Randall, McNiven, Harris, Miller, Burnett, Edmunds, Osmundson, Lavin, referred to Natural Resources.

HB 550, introduced by Read, More, Harris, Kennedy, Knox, Arntzen, Burnett, Klock, Beck, Roberts, G. Bennett, Howard, Wagner, Hollandsworth, C. Smith, Miller, O'Neil, Kerns, Blyton, Warburton,

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Hale, Skattum, Skees, Regier, Lavin, Rosendale, Randall, Osmundson, McNiven, Edmunds, referred to Federal Relations, Energy, and Telecommunications.

HB 551, introduced by Flynn, referred to Human Services.

HB 552, introduced by Hale, Skees, Roberts, Brodehl, Read, referred to Local Government.

HB 553, introduced by Vance, Roberts, Walker, Reinhart, Hunter, Keane, Zinke, referred to Business and Labor.

HB 554, introduced by Randall, referred to Fish, Wildlife and Parks.

HB 555, introduced by Fitzpatrick, referred to Business and Labor.

HB 556, introduced by Osmundson, referred to State Administration.

HB 557, introduced by O'Neil, Knox, Kennedy, Skees, Brodehl, referred to State Administration.

HB 558, introduced by O'Neil, Skees, Windy Boy, referred to Education.

HB 559, introduced by Esp, referred to Human Services.

HB 560, introduced by Arntzen, referred to Local Government.

HB 561, introduced by Arntzen, referred to Local Government.

HB 562, introduced by Arntzen, referred to Local Government.

HB 563, introduced by Arntzen, referred to Business and Labor.

HB 564, introduced by Arntzen, referred to Local Government.

HB 565, introduced by Noonan, referred to Human Services.

HB 566, introduced by Yates, referred to Fish, Wildlife and Parks.

HB 574, introduced by Warburton, referred to Judiciary.

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

HJR 15, introduced by Reinhart, Wilmer, Facey, Larsen, Erickson, Hawks, Gillan, Hunter, Jent, Wanzenried, Phillips, Stewart-Peregoy, Caferro, Keane, Vuckovich, McClafferty, Augare, C. Williams, Sesso, Van Dyk, F. Smith, Hiner, Boland, MacDonald, K. Williams, Belcourt, B. Bennett, Sands, Pease-Lopez, Court, Malek, Menahan, Driscoll, Hollenbaugh, Hill, Swanson, Hands, Schmidt, McChesney, Furey, Price, McNally, Blewett, Noonan, Klock, Di. Barrett, referred to Transportation.

**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 Osmundson in the chair.

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

HB 318 - Representative Warburton moved **HB 318** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

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Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, 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, Hollenbaugh, Hunter, MacDonald, Malek, McNally, McNiven, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: Kerns.
Total 1

HB 206 - Representative MacLaren moved **HB 206** 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

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

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HB 237 - Representative Menahan moved **HB 237** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 76

Nays: Barrett, B. Bennett, Boland, Court, Hale, Hands, Hill, Hollenbaugh, MacDonald, Malek, McNally, Mehlhoff, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 264 - Representative Vance moved **HB 264** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, 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, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: G. Bennett, Berry, Blasdel, Fitzpatrick, Klock, McGillvray, Peterson, Welborn.
Total 8

Excused: None.
Total 0

Absent or not voting: Howard, Kennedy.
Total 2

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HB 295 - Representative Cook moved **HB 295** do pass. Motion carried as follows:

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

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Arntzen, Knox.

Total 2

HB 265 - Representative Vance moved **HB 265** do pass. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 79

Nays: Ankney, Arntzen, G. Bennett, Berry, Burnett, Cuffe, Evans, Fitzpatrick, Hendrick, Hoven, Howard, Kennedy, Kerns, Klock, Knox, McGillvray, Reichner, Skattum, Stahl, Welborn, Mr. Speaker.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 379 - Representative Menahan moved **HB 379** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: Belcourt, G. Bennett, Cuffe, Hale, Hendrick, Ingraham, Kennedy, Kerns, Miller, More, O'Neil, Osmundson, Rosendale, Skattum, Skees, Small, C. Smith, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Representative Berry moved **HB 83** do pass.

HB 83 - Representative Kennedy moved **HB 83**, second reading copy, be amended as follows:

1. Page 6, line 23.

Strike: "allowing"
Insert: "requiring"

2. Page 7, line 12.

Strike: "may"
Insert: "shall"

3. Page 7, line 14.

Strike: "may"
Insert: "shall"

Amendment **not** adopted as follows:

Yeas: B. Beck, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Evans, Hale, Hansen, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Vance, Wagner.
Total 31

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Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 69

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Representative Berry moved **HB 83** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: G. Bennett, Cuffe, Edmunds, Hale, Kennedy, Kerns, Knudsen, McGillvray, Miller, O'Neil, Randall, Skattum, Small, C. Smith, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 86 - Representative Wilmer moved **HB 86** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

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McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, Kerns, Randall, Skattum, Vance, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson 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, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, 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, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: B. Bennett, Fitzpatrick, Hill, Noonan, Phillips, Price, F. Smith, Squires.

Total 8

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

2/15/2011

HB 399, do pass. Report adopted.

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HB 408, do pass. Report adopted.

HB 428, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/15/2011

HB 299, do pass. Report adopted.

HB 321, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PROVIDE"

Insert: "A CERTAIN AMOUNT OF"

2. Page 2, line 7.

Following: "assistance"

Insert: "in the amount of \$100 or more"

3. Page 2, line 8.

Following: "(b)"

Strike: "The party enjoined or restrained may request a copy of the affidavit"

Insert: "A party obtaining a restraining order or an injunction shall serve or have served a copy of the affidavit upon the party restrained or enjoined at the time that the affidavit is"

And, as amended, do pass. Report adopted.

HB 438, introduced bill, be amended as follows:

1. Page 2, line 14.

Following: "claim"

Insert: "by one of the parties against the other"

2. Page 2, line 14 through line 15.

Strike: "of one" on line 14 through "other" on line 15

Insert: ", physical abuse of a child, or abandonment"

3. Page 2, line 15.

Following: "abuse"

Insert: "or abandonment"

And, as amended, do pass. Report adopted.

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HB 480, introduced bill, be amended as follows:

1. Title, line 4.

Following: "OF"

Insert: "A JUSTICE OF THE PEACE FOR A JUSTICE'S COURT NOT OF RECORD,"

Following: "ATTORNEY"

Insert: ", "

2. Page 1, line 13.

Following: "record, "

Insert: "another justice of the peace for a justice's court not of record,"

And, as amended, do pass. Report adopted.

HB 490, do pass. Report adopted.

HB 492, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/15/2011

HB 116, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "INCREASING" on line 8 through ";" on line 9

2. Title, page 1, line 12.

Strike: "19-20-607,"

3. Page 8, line 1 through line 15.

Strike: section 9 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 122, introduced bill, be amended as follows:

1. Title, page 1, line 11, through page 1, line 12.

Strike: "INCREASING" on line 11 through ";" on line 12

2. Title, page 1, line 12.

Strike: "19-3-316, 19-3-319,"

3. Page 4, line 3 through page 5, line 17.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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HB 134, introduced bill, be amended as follows:

1. Title, page 1, line 7, through page 1, line 8.
Strike: "AND" on line 7 through "SYSTEM" on line 8

2. Title, page 1, line 9.
Strike: "SECTIONS" on line 9.
Insert: "SECTION"
Strike: "AND 19-8-504"

3. Page 2, line 13 through line 24.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 135, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "INCREASING" on line 7 through ";" on line 8

2. Title, page 1, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND"

3. Title, page 1, line 9.
Strike: "19-7-404"

4. Page 2, line 14 through page 3, line 8.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

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 28 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth,

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

Total 87

Nays: G. Bennett, Esp, Hale, Hansen, Kennedy, Loney, O'Neil, Regier, Skees, Small, Warburton.

Total 11

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 218 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Fitzpatrick, Gibson, Hands, Hill, Hollandsworth, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 263 passed as follows:

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

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

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 287 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, 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, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, McNiven, Pease-Lopez, F. Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 324 passed as follows:

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

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Blyton, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, 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, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Blasdel, Burnett, Hale, Kerns, O'Neil, Skattum, Skees, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Connell, Furey, Knox.
Total 3

HB 336 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Driscoll, Ehli, Fitzpatrick, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer.
Total 57

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNutt, Miller, More, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Yates, Mr. Speaker.
Total 41

Excused: None.
Total 0

Absent or not voting: Connell, Furey.
Total 2

HB 339 passed as follows:

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

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

Total 88

Nays: Belcourt, Hale, Harris, Kennedy, Mehlhoff, Pease-Lopez, Squires, Vance, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Connell, Furey, Klock.

Total 3

HB 348 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.

Total 57

Nays: G. Bennett, Blasdel, Blyton, Burnett, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 41

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 354 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef,

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Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Wilmer.
Total 27

Excused: None.
Total 0

Absent or not voting: Connell, Furey.
Total 2

MOTIONS

Representative McGillvray moved **HB 83** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 521**
Motion carried.

HB 521 (More Chief Sponsor)

Representative G. Bennett, Blyton, Clark, Cuffe, Edmunds, Evans, Harris, Ingraham, Knox, Lavin, Loney, MacLaren, McGillvray, Milburn, O'Hara, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Warburton.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, February 16, 2011. Motion carried.

House adjourned at 3:36 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House