

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

Helena, Montana
February 18, 2011

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Howard. Pledge of Allegiance to the Flag.

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

BILLS (O'Hara, Chairman): 2/18/2011

Correctly printed: **HB 357, HB 358, HB 391, HB 430, HB 449, HB 459, HB 475, HB 483, HB 484, HB 497, HB 521, HB 522, HB 528, HB 536, HB 538, HB 541, HB 542, HB 545, HB 554, HB 557, HB 566.**

Correctly engrossed: **HB 166, HB 189, HB 285, HB 333, HB 370, HB 380, HB 387, HB 403, HB 431, HB 444, HB 460, HB 489, HB 491, HB 494, HB 543, HB 575.**

Representative Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/17/2011
HB 166, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "SELLER" on line 5 through "AGENT" on line 6

Insert: "A PROPERTY OWNER"

2. Title, line 6.

Strike: "PROPERTY BUYER"

Insert: "THE OWNER'S AGENT AND THE PURCHASER"

3. Page 3, line 9.

Following: "property"

Strike: "seller" through "agent"

Insert: "person who owns the property"

4. Page 3, line 10.

Following: "and"

Insert: "the owner's agent and"

Strike: "or" through "agent"

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5. Page 3, line 12.

Strike: "seller's" through "with"

Insert: "existence of"

And, as amended, do pass. Report adopted.

HB 497, do pass. Report adopted.

HB 541, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/17/2011

HB 285, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 2.

Following: "applicant"

Insert: ": (a)"

3. Page 2, line 3.

Strike: "either-sex"

Following: "season"

Insert: "; and

(b) may hunt only brow-tined or antlerless elk with that permit"

4. Page 2.

Following: line 7

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates February 28, 2014."

And, as amended, do pass. Report adopted.

HB 370, introduced bill, be amended as follows:

1. Page 5, line 14.

Strike: "\$4"

Insert: "\$6"

And, as amended, do pass. Report adopted.

HB 387, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND PERMITS"

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2. Title, page 1, line 6.

Strike: ", "

Insert: "AND"

3. Title, page 1, line 7.

Strike: ", AND SPECIAL ELK AND DEER PERMITS"

4. Title, page 1, line 9.

Strike: "87-2-506,"

5. Title, page 1, line 10.

Strike: "A DELAYED"

Insert: "AN"

6. Page 1, line 24.

Strike: "9"

Insert: "8"

7. Page 3, line 6.

Strike: "8"

Insert: "7"

8. Page 4, line 3.

Strike: "8"

Insert: "7"

9. Page 5, line 6.

Strike: "8"

Insert: "7"

10. Page 5, line 7.

Strike: "9"

Insert: "8"

11. Page 5.

Following: line 15

Insert: "(5) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

12. Page 5, line 17 through page 6, line 2.

Strike: section 5 in its entirety

Renumber: subsequent sections

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13. Page 6, line 30.

Strike: "8"

Insert: "7"

14. Page 7, line 1.

Strike: "9"

Insert: "8"

15. Page 7.

Following: line 10

Insert: "(5) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

16. Page 9, line 11.

Strike: "9"

Insert: "8"

17. Page 10, line 14.

Strike: "and permit"

18. Page 10, line 16 through line 17.

Following: the first "licenses" on line 16

Strike: ", "

Insert: "and"

Strike: ", and any" on line 16 through "type" on line 17

19. Page 10, line 21.

Strike: "and any applicable elk or deer permits"

20. Page 10, line 30.

Strike: "is successful" through "district"

Insert: "obtains the license applied for"

21. Page 11, line 10 through line 13.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

22. Page 11, line 16.

Strike: "9"

Insert: "8"

23. Page 11, line 17.

Strike: "six"

Insert: "five"

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24. Page 12, line 5.

Strike: "8"

Insert: "7"

25. Page 12, line 13.

Following: "Sections"

Insert: "7 and"

Strike: "and 9"

26. Page 12, line 14.

Following: "sections"

Insert: "7 and"

27. Page 12, line 15.

Strike: "and 9"

28. Page 12, line 17.

Strike: "March 1, 2012"

Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

HB 449, do pass. Report adopted.

HB 475, do pass. Report adopted.

HB 536, do pass. Report adopted.

HB 554, do pass. Report adopted.

HB 566, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/17/2011

HB 380, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "LAWS; " on line 4

Strike: "ELIMINATING SALARY SCHEDULES FOR WATER AND SEWER DISTRICT BOARDS;
GRANTING WATER AND SEWER DISTRICT BOARDS THE ABILITY TO SET THEIR
OWN SALARIES;"

Insert: "REVISING THE METHOD OF ESTABLISHING THE MONTHLY SALARY FOR A
MEMBER OF THE BOARD OF DIRECTORS OF A COUNTY WATER AND SEWER
DISTRICT; PROVIDING THAT A BOARD MEMBER MAY RECEIVE A CERTAIN SALARY
IF PROPOSED BY THE PRESIDENT OF THE BOARD AND APPROVED BY THE
MEMBERS OF THE DISTRICT; CLARIFYING THE DUTIES OF BOARD PRESIDENTS;
AUTHORIZING A VOTE ON THE MONTHLY SALARY OF BOARD MEMBERS;"

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2. Title, page 1, line 12.

Following: "7-3-4302,"

Insert: "7-13-2225,"

Following: "7-13-2262,"

Insert: "7-13-2272, 7-13-2273,"

3. Title, page 1, line 13.

Strike: "7-13-2273,"

Following: "7-13-4208"

Strike: ", "

4. Page 1, line 17 through line 18.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 2, line 14.

Following: line 13

Insert: "**Section 3.** Section 7-13-2225, MCA, is amended to read:

"7-13-2225. Combination of elections. (1) The board of county commissioners in its discretion may combine in one election the election on the formation of the district, the election of directors, ~~and~~ the election on incurring a bonded indebtedness, and, if applicable, the vote on the proposed monthly salary for members of the board of directors so that the electors of the district may vote on all of these matters on the same date and at the same time.

(2) If the elections are combined, the board of county commissioners shall so declare by resolution containing the provisions required by 7-13-2321. If the elections are combined, the notice of the election ~~shall~~ must contain the names of the candidates, ~~and~~ the details concerning the bonded indebtedness, and, if applicable, the proposed monthly salary for members of the board of directors as provided in 7-13-2273.

(3) Candidates for the office of director shall be nominated in the manner required by 7-13-2241 and 7-13-2246.""

Renumber: subsequent sections

6. Page 2, line 24.

Strike: "2"

Insert: "1"

7. Page 3, line 4.

Following: line 3

Insert: "**Section 5.** Section 7-13-2272, MCA, is amended to read:

"7-13-2272. Duties of board president. (1) The president shall sign all contracts on behalf of the district and perform ~~such~~ other duties as may be imposed by the board of directors.

(2) The president may propose a monthly salary for the members of the board of directors. The proposed monthly salary must be approved by the voters in the district pursuant to 7-13-2273."

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Insert: "Section 6. Section 7-13-2273, MCA, is amended to read:

"7-13-2273. Compensation of members of board -- approval by voters of district. (1)

Each of the members of the board of directors ~~shall~~ must receive a monthly salary ~~that may not exceed the following amounts:~~

~~_____ (1) \$60 in districts with a population of no more than 500 persons;~~

~~_____ (2) \$80 in districts with a population that exceeds 500 but is no more than 5,000 persons;~~
~~and~~

~~_____ (3) \$100 in districts with a population of more than 5,000 persons.~~ in an amount proposed by the president of the board and approved by a majority of the qualified voters of the district by one of the following methods:

(a) a vote by mail ballot, as provided in Title 13, chapter 19;

(b) a vote held in conjunction with a regular or primary election; or

(c) a vote at an annual organizational meeting of the district.

(2) A newly elected member of the board of directors must receive a monthly salary equal to the most recent amount approved by the qualified voters of the district pursuant to this section.

(3) A vote on the question of the proposed salary for members of the board of directors may be held in combination with the elections provided in 7-13-2225 if the vote is conducted by mail ballot or held in conjunction with a regular or primary election.

(4)(a) Notice of the vote on the proposed monthly salary for the members of the board of directors must be provided to the members of the district and state the following:

(i) the date on which the vote will be held;

(ii) the manner in which the vote will be held;

(iii) the amount of the proposed monthly salary for the members of the board of directors;

~~and~~

(iv) any other information regarding the vote that may be necessary.

(b) The notice must be published as provided in 13-1-108.

(5) For purposes of this section, "qualified voters of the district" means the voters qualified to vote on the question of the creation of the district as provided in 7-13-2212."

Renumber: subsequent subsections

8. Page 7, line 5.

Strike: line 5

9. Page 7, line 9.

Following: "instruction."

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

10. Page 7, line 11.

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

And, as amended, do pass. Report adopted.

HB 391, do pass. Report adopted.

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HB 430, do pass. Report adopted.

HB 459, do pass. Report adopted.

HB 494, introduced bill, be amended as follows:

1. Page 1, line 14 through line 15.

Strike: "owned" on line 14 through "person" on line 15

Insert: "in the same ownership"

And, as amended, do pass. Report adopted.

HB 522, do pass. Report adopted.

HB 538, do pass. Report adopted.

HB 542, do pass. Report adopted.

HB 575, introduced bill, be amended as follows:

1. Page 5, line 2 through line 8.

Strike: subsection (6) in its entirety

2. Page 5, line 22.

Insert: "(4) (a) If fire protection services in the area to be annexed have been provided by a fire district organized under Title 7, chapter 33, part 21, the plan must include provisions for coordinating the transfer of fire protection services to the municipality and compensating the district, if necessary, for equipment and district expenses.

(b) Upon transfer of fire protection services, the existing boundaries of a rural fire district may be altered or the fire district may be dissolved as provided in 7-33-2401.

(c) Transfer of fire protection services from a fire district that has been in existence for more than 10 years at the time of the proposed annexation may not occur until 5 years after the annexation is finalized."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/17/2011

HB 431, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: ";

Insert: "CLARIFYING THE DAY OF A HOLIDAY IF IT FALLS ON A SATURDAY;"

2. Page 1, line 25.

Following: "."

Insert: "If any of the above-enumerated holidays (except Sunday) fall on a Saturday, the Friday before is a holiday."

And, as amended, do pass. Report adopted.

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HB 484, do pass. Report adopted.

HB 528, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/17/2011

SB 42, introduced by Shockley

SB 54, introduced by Balyeat

SB 134, introduced by Olson

SB 184, introduced by Van Dyk

SB 229, introduced by Sonju

SB 267, introduced by Vincent

FIRST READING AND COMMITMENT OF BILLS

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

HB 595, introduced by Stahl, Blasdel, referred to Appropriations.

HB 596, introduced by McGillvray, More, Loney, C. Smith, Balyeat, Knox, Zinke, Essmann, Hansen, Ehli, Read, Lewis, Steinbeisser, Blyton, Jackson, G. Bennett, Hale, Stahl, referred to Taxation.

HB 597, introduced by Reichner, referred to State Administration.

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

HJR 19, introduced by Furey, Larsen, Wilmer, F. Smith, Schmidt, Erickson, Howard, Jent, Hunter, MacDonald, Belcourt, Phillips, Hawks, Swanson, K. Williams, Hands, Cook, Noonan, Di. Barrett, Yates, J. Peterson, Price, McClafferty, McChesney, Malek, Boland, Vuckovich, Hollenbaugh, McNally, Stahl, Brodehl, Mehlhoff, B. Bennett, Hiner, Hoven, Windy Boy, Blyton, Squires, Hill, Hendrick, Ankney, Skattum, Small, Milburn, Menahan, Hollandsworth, Driscoll, Cuffe, Pease-Lopez, O'Neil, Osmundson, Flynn, Hutton, Branae, Moss, Clark, McNutt, Lewis, Knudsen, Gallus, Hamlett, Ripley, More, Zinke, Brenden, Klock, Murphy, Ehli, Blasdel, Knox, Kerns, Loney, Lavin, G. Bennett, Harris, Skees, Evans, Reichner, Taylor, Ingraham, McGillvray, Greef, Warburton, Shockley, Esp, Read, Roberts, Gibson, referred to State Administration.

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 81 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands,

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Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McNiven, Miller, More, Randall, Skattum, Skees, C. Smith, Vance.

Total 26

Excused: Hiner.

Total 1

Absent or not voting: Harris, Peterson, Stahl.

Total 3

HB 134 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, 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, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, 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 95

Nays: Hale, Kerns, Knox, Randall.

Total 4

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 203 passed as follows:

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

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Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, 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, Mr. Speaker.

Total 88

Nays: G. Bennett, Edmunds, Esp, Hale, Kerns, Knox, McGillvray, McNutt, Miller, Randall, Wagner.
Total 11

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 306 passed as follows:

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

Total 69

Nays: Barrett, B. Bennett, Blyton, Boland, Driscoll, Furey, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McClafferty, McNally, McNiven, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 310 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, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill,

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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: Hiner.

Total 1

Absent or not voting: Cuffe.

Total 1

HB 312 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, 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, 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 31

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 401 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,

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

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 402 passed as follows:

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

Total 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 35

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 409 passed as follows:

Yeas: 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,

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

Total 98

Nays: Ankney.

Total 1

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 492 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, 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, Mr. Speaker.

Total 58

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 40

Excused: Hiner.

Total 1

Absent or not voting: Small.

Total 1

HB 414 passed as follows:

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

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Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, 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

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

**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 Loney in the chair.

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

HB 337 - Representative Menahan moved **HB 337** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: G. Bennett, Berry, Blasdel, Blyton, Burnett, Cook, Esp, Evans, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Osmundson, Randall, Roberts, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Welborn.
Total 28

Excused: None. Total 0

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Absent or not voting: Clark, Klock.

Total 2

HB 399 - Representative McGillvray moved consideration of **HB 399** be passed for the day.
Motion carried.

HB 438 - Representative McGillvray moved consideration of **HB 438** be passed for the day.
Motion carried.

HB 386 - Representative Stahl moved **HB 386** do pass. Motion carried unanimously.

HB 410 - Representative Beck moved **HB 410** do pass. Motion carried unanimously.

HB 227 - Representative Wagner moved **HB 227** do pass. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 49

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 50

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 412 - Representative Harris moved **HB 412** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, 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 62

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Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

HB 230 - Representative Gibson moved **HB 230** do pass.

HB 230 - Representative Gibson moved **HB 230**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

Following: "PROCEDURE;"

Insert: "EXPRESSING LEGISLATIVE INTENT FOR A REDUCED LEVEL OF FUNDING;
ELIMINATING A STAFF POSITION;"

2. Page 2, line 17.

Following: "~~bureau~~;"

Insert: "It is the intent of the legislature that the board of crime control shall operate within a level of funding that is reduced by the amount of salary and benefits that was paid to the former executive director and the former bureau chief of the community justice bureau of the board of crime control, and that the position of bureau chief of the community justice bureau of the board of crime control be permanently eliminated."

3. Page 2, line 18.

Following: "~~other~~"

Insert: "other"

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, 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,

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Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Hiner.
Total 1

Absent or not voting: Squires.
Total 1

HB 230 - Representative Gibson moved **HB 230**, 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, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, 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, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Hansen, Lavin, Taylor, Wagner, Welborn.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 352 - Representative Osmundson moved **HB 352** do pass.

HB 352 - Representative Osmundson moved **HB 352**, second reading copy, be amended as follows:

1. Page 1, line 17.

Following: "grant"

Insert: "for a period of up to 5 years"

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2. Page 1, line 19.

Strike: "post signs warning"

Insert: "warn"

3. Page 1, line 20.

Following: "consumed"

Insert: "by:

(a) posting signs at locations required by the variance or exemption for the period granted by the variance or exemption; and

(b) delivering annual notices as required by the variance or exemption to users of the public water system"

Amendment adopted as follows:

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

Total 82

Nays: B. Bennett, Court, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, Pease-Lopez, Phillips, Reinhart, Sands, F. Smith, Squires, Wilmer.

Total 15

Excused: Hiner.

Total 1

Absent or not voting: Noonan, Salomon.

Total 2

HB 352 - Representative Osmundson moved **HB 352**, as amended, 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, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner,

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Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 80

Nays: Barrett, Belcourt, B. Bennett, Boland, Driscoll, Hill, Hiner, Hollenbaugh, Hunter, Malek, McNally, Reinhart, Sands, Squires, Swanson, Williams, Wilmer.
Total 17

Excused: None.
Total 0

Absent or not voting: Court, Furey, Price.
Total 3

HB 419 - Representative Beck moved **HB 419** do pass. Motion carried unanimously.

HB 359 - Representative Vance moved **HB 359** do pass. Motion carried unanimously.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Loney moved the Committee of the Whole report be adopted. Report 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, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: Furey, McNally, Price, Schmidt, F. Smith.
Total 5

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

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REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (MacLaren, Chairman):
HB 403, introduced bill, be amended as follows:

2/17/2011

1. Title, page 1, line 7.

Strike: "CONSERVATION EASEMENT"

Insert: "COVENANT"

Following: "AMENDING" on line 7

Strike: "SECTION"

Insert: "SECTIONS 70-17-203 AND"

2. Page 1, line 11.

Following: line 10

Insert: "**Section 1.** Section 70-17-203, MCA, is amended to read:

"70-17-203. Covenants that run with land. (1) Except as provided in 70-1-522, every covenant contained in a grant of an estate in real property that is made for the direct benefit of the property or some part of the property then in existence runs with the land.

(2) Subsection (1) includes:

(a) covenants of warranty, for quiet enjoyment, or for further assurance on the part of the grantor and covenants for the payment of rent or of taxes or assessments upon the land on the part of a grantee; ~~and~~

(b) conservation easements pursuant to 76-6-209; or

(c) a dedication of open space as provided in 76-3-509.

(3) A covenant for the addition of some new thing to real property or for the direct benefit of some part of the property not then in existence or annexed to the property, when contained in a grant of an estate in the property and made by the covenantor expressly for the covenantor's assigns or to the assigns of the covenantee, runs with the land so far as the assigns mentioned are concerned.""

Renumber: subsequent sections

3. Page 1, line 22 through line 23.

Following: "irrevocable" on line 22

Strike: "easement,"

Following: "covenant" on line 22

Strike: ", deed restriction, or other servitude or instrument"

4. Page 1, line 24.

Following: "parcels" on line 24

Insert: ", as provided in Title 70, chapter 17, part 2"

And, as amended, do pass. Report adopted.

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STATE ADMINISTRATION (Ingraham, Chairman):
HB 189, introduced bill, be amended as follows:

2/18/2011

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

Strike: "INCREASING" on line 7 through ";" on line 8

2. Title, page 1, line 15.

Strike: "19-20-605, 19-20-607,"

3. Page 6, line 13 through page 7, line 29.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

4. Page 12, line 16 through line 22.

Strike: section 9 in its entirety

Insert: "NEW SECTION. Section 7. Transfer of excess school district retirement fund reserves to retirement systems. (1) On September 1, 2011, the trustees of a district maintaining a retirement fund as provided in 20-9-501 shall pay to the teachers' retirement system and the public employees' retirement system the lesser of:

(a) the amount earmarked as an operating reserve on the adopted retirement fund budget for fiscal year 2011 minus 20% of the adopted retirement fund budget for fiscal year 2011; or

(b) the retirement fund balance for fiscal year 2011 minus the allowable retirement fund operating reserve for fiscal year 2012.

(2) To determine the amounts to be paid to each retirement system as required by subsection (1), the trustees of a district shall use the same ratio of payments made to the retirement systems in fiscal year 2011."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 444, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AND THE UNIVERSITY SYSTEM"

Following: ";"

Insert: "AND"

2. Title, line 9.

Following: "AUTHORITY"

Strike: remainder of line 9 through "MCA"

3. Page 1, line 24.

Strike: "if possible"

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4. Page 2, line 4.

Following: "(4)"

Insert: "(a)"

5. Page 2, line 5.

Following: "institutions" on line 5

Strike: ", including"

Insert: "."

6. Page 2, line 6.

Following: line 5

Insert: "(b) The term does not include"

7. Page 2, line 29.

Following: "available"

Insert: "in a cost-effective manner"

8. Page 3, line 1.

Strike: "identification of contract,"

9. Page 4, line 4.

Following: "constitution"

Insert: "or any state or federal law"

10. Page 4, line 14.

Strike: "only"

11. Page 4, line 21.

Following: line 20

Insert: "(i) the cost-effectiveness of providing the information;"

Renumber: subsequent subsections

12. Page 4, line 23.

Following: "considerations"

Insert: "; and

(e) evaluate the cost-effectiveness of implementing specific information resources and features on the website"

13. Page 4, line 29 through page 5, line 17.

Strike: section 7 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 483, do pass. Report adopted.

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HB 489, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "kept involuntarily"

Following: "public"

Insert: "or private"

2. Page 1, line 18.

Following: "reservation"

Insert: "or of being deployed"

3. Page 1, line 29 through line 30.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 491, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "by"

Insert: "for-profit,"

Following: "not-for-profit"

Insert: ", "

And, as amended, do pass. Report adopted.

HB 521, do pass. Report adopted.

HB 543, introduced bill, be amended as follows:

1. Page 2.

Following: line 6

Insert: "(c) If the model code, rule, or other publication is made available on the agency's website, the website may provide either the full text of the model code, rule, or other publication or a link to the official electronic text of the model code, rule, or other publication."

And, as amended, do pass. Report adopted.

HB 545, do pass. Report adopted.

HB 557, do pass. Report adopted.

TAXATION (Blasdel, Chairman):

2/18/2011

HB 333, introduced bill, be amended as follows:

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1. Title, page 1, line 7.

Following: "PROPERTY;"

Insert: "ESTABLISHING REQUIREMENTS FOR INCLUDING THE SALES IN THE COMPARABLE SALES METHOD;"

Strike: "SECTION"

Insert: "SECTIONS 15-7-307 AND"

2. Page 1.

Following: line 11

Insert: "**Section 1.** Section 15-7-307, MCA, is amended to read:

"15-7-307. Certificate -- exceptions. The certificate required by this part applies to all transfers. However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

- (1) an instrument recorded prior to July 1, 1975;
- (2) the sale of agricultural land when the land is used for agricultural purposes;
- (3) the sale of timberland when the land is used for producing timber;
- (4) a transfer by the United States, this state, or any instrumentality, agency, or subdivision of the United States or this state;
- (5) an instrument that (without added consideration) confirms, corrects, modifies, or supplements a previously recorded instrument;
- (6) a transfer pursuant to a court decree;
- (7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;
- (8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;
- (9) a transfer of decedents' estates;
- (10) a transfer of a gift;
- (11) a transfer between husband and wife or parent and child with only nominal actual consideration for the transfer;
- (12) an instrument the effect of which is to transfer the property to the same party or parties;
- (13) a sale for delinquent taxes or assessments, sheriff's sale, or a sale pursuant to a bankruptcy action court order, ~~or mortgage foreclosure~~;
- (14) a transfer made in contemplation of death."

Renumber: subsequent sections

3. Page 1, line 24 through line 27.

Strike: subsection (d) in its entirety

Insert: "(d) (i) Except as provided in subsection (2)(d)(ii), if the department uses comparable sales as one approximation of market value and if sufficient, relevant information is available on sales of residential properties that have been sold as real estate owned or short sales, the department shall include the sales in the comparable sales method to appraise residential property if the sales constitute more than 5% of the sales of residential property in a specific market area. For the purpose of this subsection (2)(d), real estate owned and short sales include:

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(A) a sale by a financial institution because of foreclosure of the property for nonpayment of mortgage if disclosure of the trustee's sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305;

(B) a sale by the owner of the property at an auction that is held for nonpayment of mortgage if:

(I) the auction is advertised and the advertisement includes a statement that the seller has a minimum bid or the right of refusal of all bids. The advertisement must be published in a newspaper that meets the requirements of 7-1-2121 at least three times before the auction, with at least 6 days separating publications.

(II) disclosure of the auction sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305;

(C) a short sale of the property if:

(I) the short sale is made for nonpayment of mortgage;

(II) the short sale is disclosed as a short sale in the listing with a realty company;

(III) disclosure of the short sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305; and

(IV) the short sale by the owner of the property is verified by the department.

(ii) The following sales of residential property may not be included in the comparable sales method to value residential property:

(A) sales of vandalized property;

(B) forced sales by a sheriff, receiver, or other court officer as the result of a court order;

(C) a real estate owned sale not included in subsection (2)(d)(i)."

And, as amended, do pass. Report adopted.

HB 357, do pass. Report adopted.

HB 358, do pass. Report adopted.

HB 460, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "DOES NOT"

Insert: "MAY"

2. Page 5, line 22.

Strike: "~~inapplicability to~~"

Insert: "optional declaration for"

3. Page 5, line 27.

Following: "(2)"

Insert: "A declaration for a townhome or townhouse may be executed under this section."

Strike: "do not"

Following: "townhouses"

Insert: "only if a declaration is executed under this section."

And, as amended, do pass. Report adopted.

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FIRST READING AND COMMITMENT OF BILLS

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

HJR 20, introduced by Skees, referred to Human Services.

MOTIONS

Representative McGillvray moved **HB 240** be moved from the Committee of the Whole back to the Taxation committee.

Representative McGillvray moved **HB 585** be moved from the State Administration committee to the Appropriations committee.

Representative McGillvray moved **HB 386** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Hendrick moved that **HB 304** be taken from the Business and Labor Committee and placed on Second Reading.

Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Skattum, Skees, Stahl, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 50

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Gibson, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Pease-Lopez, Peterson, Phillips, Price, Roberts, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.
Total 28

Excused: Hiner.
Total 1

Absent or not voting: Arntzen, Berry, Boland, Clark, Court, Evans, Furey, Greef, Hunter, Klock, McNiven, Noonan, Reichner, Reinhart, Rosendale, Salomon, Small, C. Smith, Squires, Vance, Welborn.
Total 21

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SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 551**
Motion carried.

HB 551 (Flynn Chief Sponsor)
Representative MacLaren.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, February
19, 2011. Motion carried.

House adjourned at 2:39 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House