

**HOUSE JOURNAL  
62ND LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 19, 2011

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative B. Bennett. Pledge of Allegiance to the Flag.

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

**BILLS** (O'Hara, Chairman): 2/19/2011

Correctly printed: **HB 304, HB 445, HB 481, HB 487, HB 508, HB 525, HB 526, HB 547, HB 550, HB 551, HB 559, HB 563, HB 573, HB 593, HJR 17.**

Correctly engrossed: **HB 188, HB 291, HB 405, HB 441, HB 457, HB 517, HB 531, HB 574.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Arntzen, Chairman): 2/18/2011  
**HB 188**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ESTATE APPRAISERS;"

**Insert:** "AND"

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

**Strike:** "," on line 8 through "DATE" on line 9

3. Page 1, line 28 through page 2, line 1.

**Strike:** "an" on page 1, line 28 through "securitization" on page 2, line 1

**Insert:** ", in connection with valuation of properties collateralizing mortgage loans or mortgages incorporated into a securitization, an external third party, authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 15 certified or licensed appraisers in this state or 25 or more nationally within a given year"

4. Page 4, line 15.

**Strike:** "-- exemption"

**Following:** "(1)"

**Insert:** "(a)"

5. Page 4, line 16 through line 29.

**Following:** "person" on line 16

**Strike:** "," on line 16 through "board." on line 29

**Insert:** "to directly or indirectly engage in or attempt to engage in business as an appraisal

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management company or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the board.

(b) An applicant for registration as an appraisal management company in this state shall submit an application to the board on forms prescribed by the department.

(c) If a registration process is not in effect on October 1, 2011, an appraisal management company already conducting business in this state may continue to conduct business in accordance with this chapter until 120 days after a registration process becomes available. Upon expiration of the 120-day period, the appraisal management company must be registered as required by this chapter in order to continue to provide or offer to provide appraisal management services in this state."

6. Page 4, line 22 through line 29.

**Insert:** "(2) An application for the registration required by subsection (1) must include the following information:

(a) the name of the person seeking registration and the fictitious name or names, if any, under which the person does business in any state;

(b) the business address of the person seeking registration;

(c) the phone contact information of the person seeking registration;

(d) if the appraisal management company is not a corporation domiciled in this state, the name and contact information for the company's designated contact for service of process in this state;

(e) the name, address, and contact information for one controlling person within the appraisal management company;

(f) a certification that the person has a system and process in place to verify that an individual holds a license in good standing in this state pursuant to 37-54-202 if a license or certification is required to perform appraisal assignments;

(g) a certification that the person requires appraisers completing appraisal assignments at its request to comply with the Uniform Standards of Professional Appraisal Practice, including the requirements for geographic and product competence;

(h) a certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(i) a certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act of 1968, 15 U.S.C. 1601, et seq., including the requirement that the fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(j) a certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal service for the appraisal management company;

(k) an irrevocable uniform consent to service of process; and

(l) any other information required by the board that is reasonably necessary to implement this chapter.

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(3) An application for renewal of a registration must include information substantially similar to that required for the initial registration in subsection (2), as determined by the board.

(4) Renewals of registered appraisal management companies must be in accordance with 37-1-141. The department shall provide notice to an appraisal management company prior to the renewal date."

7. Page 5, line 1.

**Strike:** "Exemption"

**Insert:** "Registration exemptions"

**Following:** "."

**Insert:** "(1)"

8. Page 5, following line 2.

**Insert:** "(2) An appraisal management company that is a subsidiary owned and controlled by a financial institution that is regulated by a federal financial institution regulatory agency is not required to register with the board but shall comply with all provisions of this chapter, as long as the provisions of this chapter do not conflict with federal law related to the operation of an appraisal management company in this state."

9. Page 5, line 7.

**Following:** "state"

**Insert:** "unless the license or certificate was subsequently granted or reinstated"

10. Page 5, line 9.

**Following:** "state"

**Insert:** "unless the license or certificate was subsequently granted or reinstated"

11. Page 5, line 14.

**Following:** "entity that"

**Insert:** "directly"

12. Page 5, line 15.

**Following:** "entity that"

**Insert:** "directly"

**Following:** the second "10%"

**Insert:** "directly"

13. Page 5, line 26.

**Following:** "state"

**Insert:** "unless the license or certificate was subsequently granted or reinstated"

14. Page 6, line 4.

**Following:** "revocation"

**Insert:** "unless the license or certificate was subsequently granted or reinstated"

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15. Page 6, line 7.

**Following:** "revocation"

**Insert:** "unless the license or certificate was subsequently granted or reinstated."

16. Page 6, line 8 through line 11.

**Strike:** subsection (3) in its entirety

17. Page 6, line 14.

**Following:** "review"

**Insert:** "for a property located in this state"

18. Page 6, line 15 through line 16.

**Following:** "certified in"

**Strike:** "the" on line 15 through "located" on line 16

**Insert:** "this state"

19. Page 6, line 27.

**Following:** "."

**Insert:** "Verification by reference to information published on the website of the appraisal subcommittee of the federal financial institutions examination council must be considered acceptable for purposes of compliance with this section."

20. Page 6, line 30.

**Following:** "board"

**Insert:** "on an annual basis"

21. Page 7, line 1.

**Following:** "verify"

**Strike:** "on an annual basis"

22. Page 7, line 6.

**Following:** "board"

**Insert:** "on an annual basis"

23. Page 7, line 7.

**Following:** "verify"

**Strike:** "on an annual basis"

24. Page 7, line 11.

**Following:** "."

**Insert:** "Verification by reference to information published on the website of the appraisal subcommittee of the federal financial institutions examination council must be considered acceptable for purposes of compliance with this section."

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25. Page 7, line 14.

**Following:** "board"

**Insert:** "on an annual basis"

26. Page 7, line 16.

**Strike:** "ensure"

**Insert:** "validate"

27. Page 7, line 19.

**Strike:** "Annual audit"

**Insert:** "Audits"

28. Page 7, line 19 through line 28.

**Strike:** subsections (1) through (3) in their entirety

**Insert:** "Upon renewal, not less than 10% of the appraisal management companies in this state must be subjected to a random audit. Audited appraisal management companies shall submit the recordkeeping documentation described in [section 15] for the 12-month period prior to renewal and any other documentation the board requests to validate compliance with this chapter. Any costs incurred by the board during an audit may be attributed to the appraisal management company."

29. Page 8, line 1.

**Following:** "board"

**Insert:** "on an annual basis"

30. Page 8, line 1 through line 2.

**Following:** "documentation"

**Strike:** "on" on line 1 through "basis" on line 2

31. Page 8, line 10 through line 17.

**Strike:** section 16 in its entirety

**Renumber:** subsequent sections

32. Page 8, line 22.

**Strike:** "instruction,"

33. Page 9, line 11.

**Following:** "appraiser;"

**Insert:** "or"

34. Page 9, line 12 through line 17.

**Strike:** "(i)" on line 12 through "; or" on line 17

**Renumber:** subsequent subsection

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35. Page 9, line 18.

**Strike:** "(j)"

**Insert:** "(i)"

36. Page 9, following line 21.

**Insert:** "(a) consider additional appropriate property information that falls within the original scope of work for that appraisal service;"

**Renumber:** subsequent subsections

37. Page 9, line 26.

**Strike:** "or substandard performance of services"

38. Page 10, line 2.

**Following:** "appraiser"

**Insert:** "unless the alteration is mandated by federal laws, guidelines, or provisions. This section does not apply to the conversion of appraisal reports to data streams required by federal lending agencies"

39. Page 10, line 7.

**Following:** "Advertising."

**Insert:** "(1)"

40. Page 10, line 8 through line 9.

**Following:** "number" on line 8

**Strike:** "in" on line 8 through "internet" on line 9

**Insert:** "on its engagement letter for each appraisal assignment"

41. Page 10, following line 9.

**Insert:** "(2) An appraiser who completes work for an unregistered or suspended appraisal management company is subject to disciplinary action for unprofessional conduct. An appraiser shall list the appraisal management company's approved registration number in the body of the appraisal report."

42. Page 10, line 14.

**Following:** "examination"

**Insert:** ", including items that are found to be incomplete within the defined scope of work in the original assignment"

43. Page 10, line 17.

**Following:** "area"

**Insert:** "and the appraiser has notified the appraisal management company of the issue"

44. Page 10, line 20.

**Following:** "obligations"

**Insert:** "and the appraiser has notified the appraisal management company of the issue"

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45. Page 10, line 21.

**Following:** "inhibits"

**Insert:** "legal and allowable"

46. Page 11, line 4.

**Strike:** "22"

**Insert:** "21"

47. Page 11, line 6.

**Strike:** "22"

**Insert:** "21"

48. Page 11, line 8.

**Strike:** section 24 in its entirety

And, as amended, do pass. Report adopted.

**HB 405**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "ELIMINATION"

**Insert:** "THE REDUCTION"

2. Title, page 1, line 7.

**Following:** "INTERVENTIONS"

**Insert:** "UNLESS MEDICAL MALPRACTICE IS SHOWN BY CLEAR AND CONVINCING EVIDENCE"

3. Page 1, line 28.

**Following:** "liability"

**Insert:** ", unless medical malpractice is shown by clear and convincing evidence,"

4. Page 2, line 13.

**Following:** "liability"

**Insert:** ", unless medical malpractice is shown by clear and convincing evidence,"

5. Page 2, line 21.

**Strike:** "Elimination"

**Insert:** "the Reduction"

6. Page 3, line 7.

**Strike:** "."

**Insert:** "meets the qualifications in 26-2-601."

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7. Page 3, line 8 through line 16.

**Strike:** subsections (a) through (d) in their entirety

8. Page 3, line 23.

**Following:** "rationale"

**Insert:** ", unless medical malpractice is shown by clear and convincing evidence"

9. Page 3, line 25.

**Following:** "and"

**Insert:** "in the absence of clear and convincing evidence that the medical provider committed malpractice"

10. Page 4, line 6.

**Following:** "and"

**Insert:** "in the absence of clear and convincing evidence that the medical provider committed malpractice"

11. Page 4, following line 8.

**Insert:** "(4) The court in which the medical malpractice claim related to an error of omission is filed may, upon a motion made by any party to the malpractice claim, determine as a matter of law whether [sections 1 through 5] apply in a malpractice claim brought against a medical provider."

**Renumber:** subsequent subsection

12. Page 4, line 12 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

13. Page 5, line 1.

**Insert:** "NEW SECTION. **Section 6. Survey to track effectiveness.** (1) The Montana medical legal panel shall develop a survey in order to determine whether [sections 1 through 6] are achieving the desired effect of reducing the practice of defensive medicine by physicians in Montana and shall submit the survey to the board of medical examiners for its approval.

(2) Once the survey is approved by the board of medical examiners, the Montana medical legal panel shall submit the survey on an annual basis to all physicians actively practicing medicine in the state of Montana.

(3) The results of the survey submitted to the board of medical examiners are a public record."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.



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**HB 441**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Following:** "If"

**Strike:** "a" through the second "claim"

**Insert:** "a claim or cause of action that has accrued under this section is not brought within the period of limitation, the claim or cause of action"

And, as amended, do pass. Report adopted.

**HB 487**, do pass. Report adopted.

**HB 547**, do pass. Report adopted.

**HB 563**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Klock, Chair): 2/14/2011

**HB 291**, introduced bill, be amended as follows:

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

**Strike:** "LIMITING THE REFUND TO THE CUSTOMER'S PRINCIPAL RESIDENCE;"

2. Title, page 1, line 10

**Following:** "COSTS;" on line 10

**Insert:** "LIMITING THE REFUND TO A CERTAIN PERIOD OF TIME;"

3. Page 2, line 2.

**Following:** "extension." on line 2

**Insert:** "A refund may not be issued after 20 years from the date the initial extension is established."

4. Page 2, line 3 through line 7

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Klock, Chair): 2/18/2011

**HB 550**, do pass. Report adopted.

**HB 593**, do pass. Report adopted.

**JUDICIARY** (Peterson, Chairman):

2/18/2011

**HB 457**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "WOMAN"

**Insert:** "OR HER UNBORN CHILD"

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2. Title, line 6.

**Following:** "WOMAN"

**Insert:** "OR HER UNBORN CHILD"

3. Page 1, line 10.

**Following:** "woman"

**Insert:** "or her unborn child"

4. Page 1, line 11.

**Following:** "woman"

**Insert:** "or her unborn child"

5. Page 1, line 19.

**Following:** "woman"

**Insert:** "or her unborn child"

6. Page 1, line 20.

**Following:** the first "woman"

**Insert:** "or her unborn child"

**Following:** the second "woman"

**Insert:** "or her unborn child"

7. Page 1, line 22.

**Following:** "woman"

**Insert:** "or her unborn child"

And, as amended, do pass. Report adopted.

**HB 574**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "PROVIDE"

**Insert:** "CLARIFY"

2. Title, line 6 through line 7.

**Strike:** "AND" on line 6 through "PROHIBITS" on line 7

**Insert:** "OR"

3. Page 1, line 13.

**Strike:** "(1)"

4. Page 1, line 14.

**Following:** "abortion"

**Insert:** "or the public funding of abortion"

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5. Page 1, line 15.

**Strike:** subsection (2) in its entirety

6. Page 1, line 27.

**Strike:** "prohibiting the public funding of abortion and"

**Following:** "is no"

**Insert:** "state"

7. Page 1, line 28.

**Following:** "abortion"

**Insert:** "or the public funding of abortion"

8. Page 1, line 29.

**Strike:** "prohibiting the public funding of abortion and"

**Following:** "is no"

**Insert:** "state"

9. Page 1, line 30.

**Following:** "abortion"

**Insert:** "or the public funding of abortion"

And, as amended, do pass. Report adopted.

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

2/18/2011

**HB 481**, do pass. Report adopted.

**TRANSPORTATION** (Vance, Chairman):

2/18/2011

**HB 517**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "require"

**Insert:** "all trucks and"

And, as amended, do pass. Report adopted.

**HJR 17**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/18/2011

**SB 97**, introduced by Shockley

**SB 144**, introduced by Brenden

**SB 168**, introduced by Van Dyk

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**SB 242**, introduced by Brenden

**SB 268**, introduced by Balyeat

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 598**, introduced by Knudsen, referred to Taxation.

**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 230** passed as follows:

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

Total 94

Nays: Hansen, Lavin, MacDonald, Wagner.

Total 4

Excused: Hiner.

Total 1

Absent or not voting: Washburn.

Total 1

**HB 337** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner,

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Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 68

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cook, Esp, Evans, Hale, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Osmundson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Welborn.  
Total 31

Excused: Hiner.  
Total 1

Absent or not voting: None.  
Total 0

**HB 352** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 84

Nays: B. Bennett, Court, Driscoll, Hill, Hollenbaugh, Hunter, Malek, McClafferty, McNally, Pease-Lopez, Reinhart, Sands, F. Smith, Squires, Swanson.  
Total 15

Excused: Hiner.  
Total 1

Absent or not voting: None.  
Total 0

**HB 359** passed as follows:

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

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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: Hoven.

Total 1

**HB 410** passed as follows:

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

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

**HB 412** passed as follows:

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

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

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, 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 36

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

**HB 419** passed as follows:

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

Total 99

Nays: None.

Total 0

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 Randall in the chair.

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

**HB 480** - Representative Menahan moved **HB 480** 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, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Fitzpatrick, Miller, More, Wagner, Welborn.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 321** - Representative Kerns moved **HB 321** do pass.

**HB 321** - Representative McGillvray moved for cloture.

**HB 321** - Representative Kerns moved **HB 321** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, 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 61

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

Total 39



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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 346** - Representative Beck moved **HB 346** do pass. Motion carried as follows:

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

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 161** - Representative Milburn moved **HB 161** 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, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

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

Total 37

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 471** - Representative Kennedy moved **HB 471** do pass. Motion carried as follows:

Yeas: Ankney, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, 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 59

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

Total 40

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

**HB 523** - Representative Esp moved consideration of **HB 523** be placed below HB 366 on the second reading board. Motion carried.

**HJR 15** - Representative Reinhart moved **HJR 15** be adopted. Motion **failed** as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer.

Total 41

Nays: Ankney, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson,

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Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Yates, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: Arntzen.  
Total 1

**HB 366** - Representative Rosendale moved **HB 366** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, 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, Mr. Speaker.  
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.  
Total 35

Excused: None.  
Total 0

Absent or not voting: Arntzen, More.  
Total 2

**HB 523** - Representative McGillvray moved consideration of **HB 523** be passed for the day. Motion carried.

**HB 448** - Representative Kerns moved **HB 448** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

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Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 338** - Representative Esp moved **HB 338** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 426** - Representative MacLaren moved **HB 426** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

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Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

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

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 498** - Representative MacLaren moved **HB 498** do pass. Motion carried as follows:

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

Total 99

Nays: Belcourt.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 399** - Representative Arntzen moved **HB 399** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, 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: Osmundson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 71

Nays: Belcourt, B. Bennett, Boland, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 21

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Excused: Hiner.  
Total 1

Absent or not voting: Harris, Lavin, MacLaren, Reichner, Stahl, Vance, Welborn.  
Total 7

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Arntzen, Chairman): 2/18/2011  
**HB 531**, introduced bill, be amended as follows:

1. Page 3, line 21.

**Following:** "(b)(i)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (6)(b)(iii), if"

2. Page 3, line 28.

**Insert:** "(iii) If there are two or more nonsettling defendants, the defendants shall mutually agree, within a reasonable time after having received notice of settlement or release and having received the settlement or release document, whether to proceed under subsection (6)(a)(i) or (6)(a)(ii). If the nonsettling defendants cannot jointly agree on an option under subsection (6)(a)(i) or (6)(a)(ii), then the nonsettling defendants shall proceed under subsection (6)(a)(i)."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Howard, Chairman): 2/18/2011  
**HB 445**, do pass. Report adopted.  
**HB 526**, do pass. Report adopted.  
**HB 551**, do pass. Report adopted.  
**HB 559**, do pass. Report adopted.

**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 Randall in the chair.

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

**HB 523** - Representative Arntzen moved consideration of **HB 523** be placed at the top of the second reading board. Motion carried.

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**HB 523** - Representative Arntzen moved **HB 523** 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, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, 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 91

Nays: G. Bennett, Hale, Kennedy, Kerns, Knox, More, O'Neil.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Hands, F. Smith.  
Total 2

**HB 341** - Representative C. Smith moved **HB 341** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, 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 97

Nays: Edmunds, More, O'Neil.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



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**HB 342** - Representative C. Smith moved **HB 342** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, 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 89

Nays: Ankney, Belcourt, Boland, Connell, Court, Cuffe, Driscoll, O'Hara, Peterson, Phillips.

Total 10

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

**HB 408** - Representative C. Smith moved **HB 408** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, 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, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 66

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

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 416** - Representative Klock moved **HB 416** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Welborn, Mr. Speaker.

Total 58

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, MacDonald, Malek, McClafferty, McNally, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Williams, Wilmer, Yates.

Total 41

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

**HB 464** - Representative Blasdel moved **HB 464** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 46

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

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**HB 275** - Representative Reichner moved **HB 275** do pass. Motion carried as follows:

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

Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hale, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 420** - Representative Malek moved **HB 420** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 47

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

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 421** - Representative Malek moved **HB 421** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Connell, Cook, Edmunds, Fitzpatrick, Hale, Harris, Hendrick, Hollandsworth, Howard, Kary, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, Osmundson, Peterson, Read, Regier, Reichner, Rosendale, Skees, C. Smith, Wagner, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 496** - Representative Menahan moved **HB 496** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Flynn, Hale, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 438** - Representative McGillvray moved **HB 438** do pass. Motion **failed** as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Burnett, Connell, Edmunds, Evans, Fitzpatrick, Greef, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.  
Total 40

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.  
Total 60

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 304** - Representative Hendrick moved **HB 304** do pass. Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Berry, Blasdel, Cuffe, Edmunds, Hale, Harris, Hendrick, Howard, Kennedy, Kerns, Lavin, McGillvray, Mehlhoff, More, O'Hara, O'Neil, Read, Regier, Skattum, Skees, Wagner, Warburton.  
Total 24

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 76

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, 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, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: B. Bennett, Boland, Hands, Hansen, Hendrick, Hill, Hollenbaugh, McGillvray, Sands, Sesso, Squires, Swanson.

Total 12

Excused: Hiner.

Total 1

Absent or not voting: Arntzen, Reichner.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Arntzen, Chairman): 2/18/2011  
**HB 525**, do pass. Report adopted.

**HUMAN SERVICES** (Howard, Chairman): 2/18/2011  
**HB 573**, do pass. Report adopted.

**MOTIONS**

Representative Wagner moved to reconsider action taken on **HB 227** during Second Reading the previous day.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier,

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Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.  
Total 41

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 57

Excused: Hiner.  
Total 1

Absent or not voting: Reichner.  
Total 1

Representative McNiven moved that **HB 508** be taken from the Local Government Committee and placed on Second Reading on February 21st, 2011.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Warburton, Williams, Wilmer, Yates.  
Total 68

Nays: Blasdel, Blyton, Burnett, Clark, Court, Esp, Hale, Hansen, Ingraham, Kennedy, Kerns, Lavin, Loney, McGillvray, More, O'Neil, Randall, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Mr. Speaker.  
Total 28

Excused: Hiner.  
Total 1

Absent or not voting: Reichner, Small, Welborn.  
Total 3

Representative Howard moved **HB 274** be moved from the Committee of the Whole back to the Judiciary committee for the purpose of correcting an amendment. Motion carried.

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Representative Miller moved that **HB 242** be taken from the Local Government Committee and placed on Second Reading on February 22nd, 2011.

Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, Blasdel, Blyton, Burnett, Clark, Edmunds, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Lavin, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Salomon, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.

Total 35

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.

Total 61

Excused: Hiner.

Total 1

Absent or not voting: Reichner, Small, Yates.

Total 3

Representative McGillvray moved **HB 321** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 11:00 a.m., Monday, February 21, 2011. Motion carried.

House adjourned at 1:19 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House