

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 22, 2011

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Sands and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/22/2011

Correctly printed: **HB 157, HB 388, HB 444, HB 463, HB 565, HB 622, SB 9, SB 35, SB 87, SB 140, SB 266, SB 286, SB 292.**

Correctly engrossed: **HB 140, HB 209, HB 274, HB 283, HB 296, HB 317, HB 343, HB 439, HB 495, HB 534, HB 585, HB 587, HB 602, HB 603, HB 611, HB 613, HB 619, SB 15, SB 42, SB 172, SB 201, SB 327, SB 351.**

Examined by the sponsor and found to be correct: **HB 141, HB 219, HB 259, HB 273, HB 293, HB 484, HB 497, HB 536, HB 573, HJR 1.**

Signed by the Speaker at 1:10 p.m., March 22, 2011: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 293, HB 348, HB 374.**

Signed by the Chief Clerk of the House at 11:07 a.m., March 22, 2011: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 293, HB 348, HB 374.**

Delivered to the Governor for approval at 3:07 p.m., March 22, 2011: **HB 28, HB 37, HB 63, HB 70, HB 126, HB 327, HB 426.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 3/21/2011
HB 140, introduced bill, be amended as follows:

1. Page 4, line 25.

Strike: "2013"

Insert: "2015"

And, as amended, do pass. Report adopted.

HB 209, introduced bill, be amended as follows:

1. Page 6, line 4.

Following: "Termination."

Insert: "(1)"

2. Page 6, line 5.

Insert: "(2) [Section 5] terminates June 30, 2015."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Page 6, line 11.

Strike: "SECTIONS 3 AND 4] TERMINATE"

Insert: "[Section 4] terminates"

And, as amended, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Page 5.

Strike: line 2 through line 3 in their entirety

And, as amended, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "PREMIUMS;"

Insert: "IMPOSING A FEE FOR REVIEW OF INDUSTRY-APPROVED ACTUARIAL STANDARDS
BASED ON SEX;"

2. Title, page 1, line 9.

Strike: "SECTION"

Insert: "SECTIONS 33-2-708, 33-16-203, AND"

3. Page 1, line 30.

Following: line 29

Insert: "**Section 1.** Section 33-2-708, MCA, is amended to read:

"33-2-708. (Temporary) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(v) insurance consultant's license:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

- (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
 - (vi) viatical settlement broker's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
 - (vii) resident and nonresident rental car entity producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) quarterly filing fee, \$25;
 - (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
 - (ix) 50 cents for each page for copies of documents on file in the commissioner's office;
 - (x) review of industry-approved actuarial standards based on sex as provided in 33-16-203 and 49-2-309, \$2,360.
- (c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
- (2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
- (b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
- (3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
- (b) The commissioner shall deposit 16.67% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
- (c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
- (4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded. (Terminates June 30, 2013--sec. 35(2), Ch. 486, L. 2009.)

33-2-708. (Effective July 1, 2013) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

- (b) The commissioner shall collect certain additional fees as follows:
 - (i) nonresident insurance producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) biennial renewal of license, \$50;
 - (C) lapsed license reinstatement fee, \$100;
 - (ii) resident insurance producer's license lapsed license reinstatement fee, \$100;
 - (iii) surplus lines insurance producer's license:
 - (A) application for original license and for issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

- (C) lapsed license reinstatement fee, \$200;
- (iv) insurance adjuster's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (v) insurance consultant's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (vi) viatical settlement broker's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (vii) resident and nonresident rental car entity producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) quarterly filing fee, \$25;
- (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
- (ix) 50 cents for each page for copies of documents on file in the commissioner's office.
- (x) review of industry-approved actuarial standards based on sex as provided in 33-16-203 and 49-2-309, \$2,360.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.

(b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.

(c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

Insert: "Section 2. Section 33-16-203, MCA, is amended to read:

"33-16-203. Rates filed. (1) Every insurer, rating organization, or advisory organization shall file with the commissioner all rates intended for use within this state, together with supporting data sufficient to substantiate the filing. The filing required by this subsection may be made by rating organizations on behalf of their members and subscribers. However, this provision does not

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

prohibit a member or subscriber from filing rates on its own behalf. Any deviations from a rating organization's rates by a member or subscriber must be filed with the commissioner and must be accompanied by supporting data.

(2) Rates filed must provide for a premium reduction to:

- (a) qualified insured operators 55 years of age or older in accordance with 33-16-222; or
- (b) qualified members of the Montana national guard in accordance with 33-16-230.

(3) An insurer, rating organization, or advisory organization that files rates with the commissioner in order to use industry-approved actuarial standards based on sex in establishing insurance premium rates as provided in 49-2-309 shall submit a fee of \$2,360 with the filing."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 296, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "CONSTRUCTION;"

Insert: "PROVIDING CONDITIONS FOR A TRANSFER OF MONEY TO THE GENERAL FUND;"

2. Page 4, line 8.

Insert: "NEW SECTION. Section 7. Contingency -- termination and transfer to the general fund. If House Bill No. 439 is passed and approved in a form that appropriates at least \$5 million from the capital projects fund for the construction of the southwestern Montana veterans' home and [sections 2 through 7 of House Bill No. 439] become effective pursuant to the contingency contained in [section 10 of House Bill No. 439], then:

(1) [sections 1 through 6 of this act] terminate on the date on which [sections 2 through 7 of House Bill No. 439] become effective;

(2) the state treasurer shall transfer the remaining fund balance in the state special revenue fund established in section 2, Chapter 461, Laws of 2009, for the construction of the state veterans' home in southwestern Montana to the general fund; and

(3) the department of administration shall notify the code commissioner of the occurrence of any determination made pursuant to this section and the date of the occurrence."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 317, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELIMINATING " on page 1, line 5 through "PAYMENT;" on page 1, line 6

2. Title, page 1, line 8.

Strike: "5-13-403, 7-4-2502,"

Strike: "10-3-203, 10-3-310,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Title, page 1, line 9.

Strike: "10-3-314, 10-4-301, 15-1-121, 15-1-218, 15-36-332, 15-37-117, 15-39-110,"

Strike: "15-70-101,"

4. Title, page 1, line 10.

Strike: "17-3-106,"

Strike: "17-3-212, 17-3-222, 17-3-241, 17-6-101,"

Strike: "18-11-112,"

5. Title, page 1, line 11.

Strike: line 11

6. Title, page 1, line 12.

Strike: "20-26-1503,"

7. Title, page 1, line 13.

Strike: "50-4-623,"

8. Title, page 1, line 14.

Strike: "60-11-115,"

Strike: "75-1-1101,"

9. Title, page 1, line 15.

Strike: "77-2-362, 80-2-222, 80-4-416,"

Strike: "87-1-603,"

10. Page 3, line 10 through page 4, line 17.

Strike: section 4 through section 5 in their entirety

ReNUMBER: subsequent sections

11. Page 5, line 29 through page 7, line 4.

Strike: section 10 through section 11 in their entirety

ReNUMBER: subsequent sections

12. Page 7, line 22 through page 27, line 18.

Strike: section 13 through section 19 in their entirety

ReNUMBER: subsequent sections

13. Page 29, line 4 through page 31, line 14.

Strike: section 21 in its entirety

ReNUMBER: subsequent sections

14. Page 34, line 20 through page 34, line 30.

Strike: section 25 in its entirety

ReNUMBER: subsequent sections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

15. Page 35, line 9 through page 36, line 25.

Strike: section 27 through section 30 in their entirety

Renumber: subsequent sections

16. Page 37, line 20 through page 38, line 3.

Strike: subsection (5) in its entirety

Insert: "(5)(a) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2014: 2-17-105; 5-11-120; 5-11-407; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-312; 15-65-121; 15-70-369; 15-70-601; and 16-11-509.

(b) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2016: 17-3-112; 20-8-107; 20-9-534; 20-9-622; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; and 23-7-402.

(c) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2018: 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109; 53-24-108; 53-24-206; and 61-3-415.

(d) The statutory appropriations and authority to spend for the following laws terminate on June 30, 2020: 69-3-870; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 80-11-518; 81-10-103; 82-11-161; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; and 90-9-306."

17. Page 38, line 24 through page 45, line 3.

Strike: section 32 through section 42 in their entirety

Renumber: subsequent sections

18. Page 46, line 25 through page 47, line 20.

Strike: section 46 in its entirety

Renumber: subsequent sections

19. Page 56, line 27 through page 57, line 6.

Strike: section 62 in its entirety

Renumber: subsequent sections

20. Page 60, line 2 through page 60, line 17.

Strike: section 66 in its entirety

Renumber: subsequent sections

21. Page 61, line 28 through page 62, line 30.

Strike: section 69 in its entirety

Renumber: subsequent sections

22. Page 65, line 19 through page 67, line 26.

Strike: section 74 through section 76 in their entirety

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

23. Page 70, line 18 through page 71, line 18.

Strike: section 80 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 343, introduced bill, be amended as follows:

1. Page 3.

Strike: line 4 through line 7 in their entirety

Renumber: subsequent subsections

2. Page 3, line 10.

Following: "commission;"

Insert: "and"

3. Page 3.

Strike: line 11 in its entirety

Renumber: subsequent subsections

4. Page 3, line 12.

Strike: "; and"

Insert: "."

5. Page 3.

Strike: line 13 in its entirety

6. Page 3.

Following: line 19

Insert: "(c) For purposes of this section, "program" has the meaning provided in 17-7-102 unless the governor's budget director and the legislative fiscal analyst reach an agreement to define the term differently for a specific agency's zero-based budget submission."

7. Page 12, line 12.

Strike: "for agencies with more than 20 FTE,"

8. Page 12, line 15 through line 18.

Strike: "Exempt" on line 15 through "fund." on line 18

And, as amended, do pass. Report adopted.

HB 388, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 439, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "\$2,000,000"

Insert: "\$20,000,000"

2. Page 1, line 26.

Strike: "6"

Insert: "7"

3. Page 1, line 28.

Strike: "6"

Insert: "7"

4. Page 2, line 2.

Strike: "4"

Insert: "5"

5. Page 2.

Following: line 8

Insert: "(7) Montana state university-Northern, auto tech center, \$7.9 million;"

Renumber: subsequent subsections

6. Page 2, line 12.

Insert: "NEW SECTION. Section 4. Appropriations and authorizations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization:

(1) Southwestern Montana veterans' home, Silver Bow County, \$9 million of federal special revenue funds;

(2) Montana state university-Billings, science and instructional tech building, \$0.5 million of unanticipated federal special revenue funds, auxiliary funds, donations, grants, and higher education funds; and

(3) University of Montana-Missoula college of technology, new facility, \$3.5 million of unanticipated federal special revenue funds, auxiliary funds, donations, grants, and higher education funds."

Renumber: subsequent sections

7. Page 2, line 14.

Strike: "\$89.9"

Insert: "\$97.8"

8. Page 2, line 25.

Strike: "6"

Insert: "7"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

9. Page 2, line 28.

Strike: "[section 3]"

Insert: "[sections 3 and 4]"

10. Page 2, line 29.

Strike: "[section 3]"

Insert: "[sections 3 and 4]"

11. Page 3, line 5.

Strike: "4"

Insert: "5"

12. Page 3, line 11.

Strike: "6"

Insert: "7"

13. Page 3, line 14.

Strike: "\$2,000,000"

Insert: "\$20,000,000"

And, as amended, do pass. Report adopted.

HB 463, do pass. Report adopted.

HB 495, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "2013;"

Insert: "REVISING THE ENTITLEMENT SHARE GROWTH RATE;"

2. Page 3, line 20.

Strike: "a"

Insert: "an entitlement share"

3. Page 3, line 22.

Following: "2013."

Insert: "(b)"

4. Page 3, line 22.

Strike: "even-numbered"

5. Page 3, line 23.

Strike: "each"

Insert: "the current"

Strike: "of the next biennium"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

6. Page 9, line 30 through page 10, line 23.

Strike: "average" on page 9, line 30 through "70%" on page 10, line 23

Insert: "entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsection (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporation income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsection (4)(b)(iii), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. The entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment."

7. Page 13, line 25.

Strike: the first "pool"

And, as amended, do pass. Report adopted.

EDUCATION (Reichner, Chairman):

3/21/2011

HB 603, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Title, page 1, line 12.

Following: "COSTS;"

Insert: "PROVIDING SPENDING AUTHORITY;"

3. Page 2, lines 9 though 11.

Strike: lines 9 through 11 in their entirety

4. Page 4.

Strike: lines 14 and 15

Insert: "There is an independent state public charter school commission with statewide chartering jurisdiction and authority."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

5. Page 4, lines 19 and 20.

Strike: "by the governor and are subject to the following qualifications:"

Insert: "as follows:"

- (a) three members appointed by the governor;
- (b) three members appointed by the president of the senate; and
- (c) three members appointed by the speaker of the house.
- (4) The commission members are subject to the following qualifications:"

Renumber: subsequent subsections

6. Page 4, line 21.

Strike: "and"

Following: line 21

Insert: "(b) no more than two members may be public employees;

(c) one of the public employee members may be from the board of public education; and"

Renumber: subsequent subsections

7. Page 4, line 22.

Following: "governor"

Insert: ", president of the senate, and speaker of the house"

8. Page 4, lines 28 through 30.

Strike: "Members" on line 28 through "." on line 30.

Insert: "Each appointing authority shall appoint one member to a 4-year term, one member to a 3-year term, and one member to a 2-year term."

9. Page 5, line 7.

Following: "office"

Insert: ", including but not limited to failure to approve an authorizer without just cause and interference with the functions of the commission as set forth in [sections 1 through 17]"

10. Page 5, line 9.

Strike: "subsection (3)"

Insert: "subsections (3) and (4)"

11. Page 5, following line 11.

Insert: "(10) The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of [sections 1 through 17], subject to the terms and conditions under which they are given.

(11) The commission is allocated to the department of administration for administrative purposes only as prescribed by 2-15-121, with the exception of 2-15-121(2)(d). The commission shall hire employees necessary to carry out the purposes of [sections 1 through 17]."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

12. Page 5, line 24.

Strike: "subsection (4)"

Insert: "this section"

13. Page 8, line 23.

Following: "funding"

Strike: "and an oversight fee"

14. Page 8, line 24.

Following: "state."

Insert: "Authorizer funding is financed through an oversight fee."

15. Page 21, lines 23 and 24.

Following: "unless"

Strike: "the" on line 23 through "school" on line 24

Insert: ": (a) the public charter school is being converted from an existing public school;
(b) the school district elects to establish a public charter school;
(c) the school district elects to convert a grade or grades to a public charter school from an existing school;
(d) the public charter school is a tribal charter school; or
(e) the public charter school is a virtual public charter school"

16. Page 22, line 6.

Following: "provisions."

Insert: "Funds must be paid from the state directly to a public charter school in the same manner and at the same time as funds are paid to public school districts under this title."

17. Page 22, line 7.

Following: "For"

Strike: "budgeting purposes,"

Insert: "receipt of BASE aid as defined in 20-9-306 or other county equalization aid,"

18. Page 23, line 25 through page 24, line 24.

Strike: subsection (10) in its entirety

19. Page 24, line 27.

Strike: "on"

Insert: "by"

20. Page 25, lines 6 and 7.

Following: "20-9-311"

Strike: "and approved by the superintendent of public instruction"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

21. Page 25, line 18.

Following: "chapter 9."

Insert: "A public charter school may expend funds according to its charter contract and is not subject to budget restrictions under Title 20, chapter 9."

22. Page 25, lines 26 through 28.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

23. Page 26, lines 9 through 11.

Strike: subsection (8) in its entirety

Insert: "(8) Nothing in [sections 1 through 17] may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school is authorized to accept gifts, donations, and grants of any kind made to the public charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift, donation, or grant may not be accepted if the gift, donation, or grant is subject to a condition that is contrary to any provision of law or term of the charter contract.

(9) Money received by a public charter school from any source and remaining in the public charter school's accounts at the end of a budget year must remain in the public charter school's accounts for use by the public charter school in subsequent years."

24. Page 27, line 26.

Following: "schools."

Insert: "A gift, donation, or grant made directly to a public charter school or schools is not prohibited by this subsection."

25. Page 38, line 10.

Following: "and"

Strike: "hire"

Insert: "approve"

Following: "establishment"

Strike: "or conversion"

26. Page 38, line 11.

Insert: "The appropriation must be made upon passage and approval of [this act]."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/21/2011

SB 9, be concurred in. Report adopted.

SB 35, be concurred in. Report adopted.

SB 87, be concurred in. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

SB 286, be concurred in. Report adopted.

SB 292, be concurred in. Report adopted.

SB 327, be amended as follows:

1. Page 1, line 27.

Following: "supply"

Strike: "and"

Insert: ", "

Following: "streamflows"

Insert: ", and fisheries"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/21/2011

SB 140, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/21/2011

HB 117, introduced by Hunter

HB 229, introduced by McNutt

HB 250, introduced by Menahan

HB 298, introduced by McNutt

HB 324, introduced by MacLaren

HB 337, introduced by Menahan

HB 401, introduced by Arntzen

HB 422, introduced by Hale

HB 432, introduced by Berry

HB 449, introduced by Blasdel

HB 481, introduced by Belcourt

HB 517, introduced by McNutt

HB 523, introduced by Arntzen

HB 531, introduced by Fitzpatrick

HB 559, introduced by Esp

HB 568, introduced by Wagner

House joint resolution concurred in and returned to the House:

3/21/2011

HJR 17, introduced by Stahl

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/21/2011

HB 95, introduced by McNutt

Senate bill passed and transmitted to the House for concurrence:

3/21/2011

SB 389, introduced by Van Dyk

FIRST READING AND COMMITMENT OF BILLS

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

HB 633, introduced by Esp, referred to Appropriations.

HB 634, introduced by B. Bennett, referred to Judiciary.

HB 635, introduced by Hansen, referred to Appropriations.

HB 636, introduced by Loney, referred to Transportation.

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

SB 389, introduced by Van Dyk, referred to Business and Labor.

**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 McNutt in the chair.

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

HB 9 - Representative Hollenbaugh moved **HB 9** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 171 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 171** be concurred in. 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 375 - Representative Cook moved **HB 375** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, 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, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hendrick, Hill, Hiner,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 533 - Representative Berry moved **HB 533** do pass. Motion carried as follows:

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

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Swanson, Williams.

Total 21

Excused: None.

Total 0

Absent or not voting: Arntzen, McNally.

Total 2

SB 201 - Representative Vance moved **SB 201** be concurred in.

SB 201 - Representative Hunter moved **SB 201**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 11.

Strike: "REQUIRING" on line 8 through "RULES;" on line 11

2. Title, page 1, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "2-4-103," through "2-4-506,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Page 1, line 17.

Following: "adversely"

Insert: "or positively"

4. Page 1, line 18.

Strike: "not adversely"

5. Page 1, line 20.

Following: "adverse"

Insert: "or positive"

6. Page 1, line 23.

Following: "adverse"

Insert: "or positive"

7. Page 1, following line 28.

Insert: "(3) The office of economic development, established in 2-15-218, shall advise and assist agencies in complying with this section."

8. Page 1, line 30 through page 2, line 6.

Strike: section 2 in its entirety

Renumber: subsequent subsections

9. Page 4, line 12 through page 6, line 30.

Strike: sections 4 through 7 in their entirety

Renumber: subsequent sections

10. Page 7, line 5.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

11. Page 7, line 6 through line 7.

Strike: "[sections]" on line 6 through "2]" on line 7

Insert: "[section 1]"

Amendment adopted as follows:

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

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Burnett, Esp.
Total 2

Excused: None.
Total 0

Absent or not voting: Howard.
Total 1

SB 201 - Representative Vance moved **SB 201**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, 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: Burnett.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 238 - Representative Menahan moved **SB 238** be concurred in. 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, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Fitzpatrick, Gibson, Hale, Hansen, Knudsen, Miller, Rosendale, C. Smith, Stahl, Taylor, Vance, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 351 - Representative Rosendale moved **SB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, 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, Noonan, O'Hara, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Blyton, Cuffe, Edmunds, Hale, Kennedy, Kerns, Knox, Miller, More, O'Neil, Osmundson, Pease-Lopez, Wagner.

Total 13

Excused: Swanson.

Total 1

Absent or not voting: Hands, C. Smith.

Total 2

HB 10 - Representative Hollenbaugh moved **HB 10** do pass. Motion carried as follows:

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

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

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

Total 83

Nays: Blasdel, Blyton, Cuffe, Esp, Hale, Howard, Kerns, Knox, More, O'Neil, Randall, Regier, Salomon, Skattum, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 15 - Representative Schmidt moved **HB 15** do pass.

HB 15 - Representative Cook moved **HB 15**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "ACCOUNT"

Insert: "OR THE GUARANTEE ACCOUNT"

2. Page 4, line 2.

Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 1 of this act] must be amended as follows:

"NEW SECTION. Section 1. Appropriations from school facility and technology account -- grants for school facility projects. (1) There is appropriated \$11,069,265 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account provided for in 20-9-516~~ guarantee account provided for in 20-9-622 in the state special revenue fund to be used to finance grants authorized by this section.

(2) The funds appropriated in subsection (1) must be used by the department to make grants to the public school districts listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in 90-6-812 and described in the quality schools facility grant program 2013 biennium report to the 62nd legislature. The legislature, pursuant to 90-6-809 and 90-6-810, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in subsection (5) until the funds appropriated in subsection (1) are expended.

(3) The following applicants and projects are authorized for grants and listed in the order of their priority:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Applicant/Project	Grant Amount	
1. Big Sandy/Lighting and Sensors	\$124,340	
2. Sweet Grass Co. HS/HVAC Remodel	\$207,500	
3. Somers/Roof Replacement	\$418,142	
4. Box Elder/Elementary School Addition	\$799,590	
5. Winnett/Finish Shop Building and Purchase Equipment	\$314,107	
6. White Sulphur Springs/Geothermal Heating System	\$350,000	
7. Helena ELE/ADA Improvement	\$1,429,796	
8. Gardiner/Energy Efficiency Upgrades	\$43,694	
9. Centerville/Boiler Replacement	\$148,534	
10. Shelby ELE/Wall Repairs	\$146,904	
11. Fair-Mont-Egan/Classroom Addition	\$379,110	
12. Livingston/Roof Replacement	\$709,336	
13. Corvallis/New Vocational Facility	\$901,318	
14. North Star/Fire Alarm System	\$123,386	
15. Choteau/Food Service Facility Repairs	\$344,400	
16. Miles City/Upgrade Temperature Controls	\$442,841	
17. Shelby HS/Lighting Retrofit	\$102,895	
18. Rocky Boy/Replace Emergency Generator	\$72,650	
19. Whitefish/HS Campus Redevelopment (Phase I)	\$658,019	
20. Colstrip/Upgrade Temperature Controls	\$329,153	
21. Whitehall/Roof Replacement	\$534,232	
22. Stanford/Boiler Replacement	\$220,500	
23. Grass Range/Door and Breezeway Upgrades	\$38,315	
24. Superior/Classroom Expansion	\$521,162	
25. Geraldine/Energy Efficiency Upgrades	\$106,900	
26. Bozeman HS/Lighting Retrofit	\$109,087	
27. Frazer/Boiler Replacement	\$243,086	
28. Libby/Boiler Replacement	\$391,470	
29. Hamilton/Boiler & Heat System Replacement	\$751,000	
30. Bozeman ELE/Lighting Retrofit	\$107,798	

(4) This section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the ~~school facility and technology account~~ guarantee account state special revenue funds during the 2013 biennium pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in 90-6-812 and on the availability of funds.

(5) Funding for projects in subsection (3) must be provided only so long as there are sufficient funds available from the ~~school facility and technology account~~ guarantee account in the state special revenue fund. Funding for these projects must be made available in the order that the grant recipients satisfy the conditions described in 90-6-812. Once all funds appropriated in subsection (1) for the biennium are totally committed to projects that have satisfied the conditions described in 90-6-812, the obligation to any remaining projects ceases.

(6) Grant recipients must complete the projects described in subsection (3) by June 30, 2013, or the grant contract must be terminated.""

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If Senate

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 2 of this act] must be amended as follows:

"NEW SECTION. Section 2. Appropriations from school facility and technology account -- emergency grants. There is appropriated \$100,000 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account~~ guarantee account in the state special revenue fund for the purpose of providing emergency grants to public school districts for a school facility project that is necessitated by an emergency, as defined in 90-6-803."

Insert: **"COORDINATION SECTION. Section 8. Coordination instruction.** If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 3 of this act] must be amended as follows:

"NEW SECTION. Section 3. Appropriations from school facility and technology account -- planning grants. There is appropriated \$900,000 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account~~ guarantee account in the state special revenue fund for the purpose of providing matching planning grants to public school districts for the planning of school facility projects, as defined in 90-6-803."

Insert: **"COORDINATION SECTION. Section 9. Coordination instruction.** If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 4 of this act] must be amended as follows:

"NEW SECTION. Section 4. Approval of grants -- completion of biennial appropriation. (1) The legislature, pursuant to 90-6-809 and 90-6-810, authorizes grants for the projects identified in [sections 1 through 3].

(2) The authorization of these grants completes a biennial appropriation from the ~~school facility and technology~~ guarantee account state special revenue account provided for in ~~20-9-516(1)~~ 20-9-622."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Regier, Reichner, Roberts, Skattum, Skees, Small, Wagner, Warburton, Mr. Speaker.

Total 48

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kary, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Phillips, Price, Randall, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 15 - Representative Schmidt moved **HB 15** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Arntzen, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Peterson, Rosendale, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 51 - Representative Di. Barrett moved **HB 51** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 60

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Nays: Ankney, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 92

Nays: B. Bennett, Hill.

Total 2

Excused: Sands, Swanson.

Total 2

Absent or not voting: Connell, McNutt, Regier, Salomon.

Total 4

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 3 passed as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Welborn, Williams, Wilmer, Mr. Speaker.
Total 61

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Fitzpatrick, Greef, Hale, Hansen, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Yates.
Total 37

Excused: Sands, Swanson.
Total 2

Absent or not voting: None.
Total 0

HB 4 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.
Total 61

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Yates.
Total 37

Excused: Sands, Swanson.
Total 2

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 5 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Small, F. Smith, Squires, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: Arntzen, B. Beck, Blasdel, Blyton, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Randall, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 33

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 6 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, 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, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Arntzen, Edmunds, Hale, Hansen, Harris, Howard, Kerns, Knox, More, O'Neil, Randall, C. Smith, Vance, Wagner, Washburn.

Total 15

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 7 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner.

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

SB 176 concurred in 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, 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 66

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

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

SB 294 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Schmidt, Skees, Small, F. Smith, Squires, Stahl, Warburton, Welborn, Williams, Wilmer, Yates.

Total 68

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Esp, Flynn, Hansen, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Pease-Lopez, Randall, Rosendale, Salomon, Sesso, Skattum, C. Smith, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 30

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 490 passed as follows:

Yeas: Ankney, Arntzen, 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, 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, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: McNutt.

Total 1

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 574 passed as follows:

Yeas: Ankney, Arntzen, 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, Hoven, 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 66

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

Total 31

Excused: Sands, Swanson.

Total 2

Absent or not voting: McNutt.

Total 1

MOTIONS

Representative C. Smith moved to change his vote on **HB 574** from Not Voting to Yes. Representative Sesso objected. Representative Sesso withdrew his objection.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/22/2011

HB 444, do pass. Report adopted.

HB 534, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "SHALL"

Insert: "may"

2. Page 1, line 15.

Strike: "OR THE E-VERIFY PROGRAM, OR BOTH,"

3. Page 1, line 16.

Following: "successor"

Insert: "or any other lawful method of making the determination"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

4. Page 1, line 30.

Strike: "(ii)"

5. Page 2, line 1.

Strike: line 1 in its entirety

Renumber: subsequent subsections

6. Page 2, line 7.

Strike: subsection (vii) in its entirety

Renumber: subsequent subsections

7. Page 2, line 15.

Following: "21;"

Insert: "and"

8. Page 2, line 16 through line 17.

Strike: subsection (xvi) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 565, do pass. Report adopted.

HB 585, introduced bill, be amended as follows:

1. Page 3, line 5.

Strike: "\$500,000"

Insert: "\$250,000"

2. Page 3, line 26.

Strike: "\$500"

Insert: "\$400"

3. Page 3, line 27.

Strike: "\$500"

Insert: "\$400"

4. Page 3, line 28.

Strike: "\$500"

Insert: "\$400"

And, as amended, do pass. Report adopted.

HB 587, introduced bill, be amended as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

1. Page 4, line 4.

Strike: "\$100,000"

Insert: "\$22,000"

2. Page 4, line 6.

Strike: "the salary,"

Strike: ", and"

Insert: "of the"

Strike: "and staff requirements"

Following: "associate"

Insert: "and chief"

And, as amended, do pass. Report adopted.

HB 602, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

2. Page 1, line 18 through line 19.

Strike: "for uses that" on line 18 through "amount of water" on line 19

3. Page 1, line 23.

Strike: "water laws of Montana do"

Insert: "Water Use Act does"

4. Page 1, line 24 through line 25.

Strike: "and the de minimis use of water"

5. Page 2, line 5.

Strike: "and necessary"

6. Page 2, line 6.

Strike: "and enforcement" through "wells"

7. Page 2, line 7.

Following: line 6

Insert: "(v) examining enforcement options for exempt wells to ensure that they do not exceed statutory limits or disrupt the priority system for water right administration governed by the Water Use Act and the Montana constitution;

(vi) examining applicable research and analysis conducted by the ground water investigation program at the Montana bureau of mines and geology provided for in 85-2-525;"

Renumber: subsequent subsections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

8. Page 2, line 13.

Following: "the statutes"

Insert: ", rules, programs,"

9. Page 2, line 13 through line 14.

Strike: "or de minimis" on line 13 through "appropriations" on line 14

10. Page 2, line 15 through line 16.

Following: "the adequacy of"

Strike: "controlled" on line 15 through "permitting " on line 16

Insert: "existing programs and tools for managing and mitigating the development of wells that would otherwise be exempt from permitting, including but not limited to controlled ground water areas created pursuant to Title 85, chapter 2, part 5, water mitigation banks, community water system incentives, and in-lieu-of-fee programs"

11. Page 2, line 17.

Strike: "the role of local governments in"

Following: "decisions"

Insert: ", including the relationship between exempt wells and individual septic systems, the cost comparison of installing public water systems or extending existing water infrastructure, and the role of local governments in requiring alternatives to exempt wells"

12. Page 2, line 24.

Following: "authority."

Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

13. Page 2, line 25.

Strike: "commence rulemaking"

Insert: "adopt rules"

14. Page 2, line 27.

Following: line 26

Insert: "(2) The department may adopt rules to implement amendments to 85-2-306(3) that were passed and approved by the 62nd legislature for:

(a) appropriations by a local governmental fire agency organized under Title 7, chapter 33, provided that the appropriation is used only for emergency fire protection; or

(b) nonconsumptive appropriations for geothermal heating or cooling exchange applications."

15. Page 2, line 28.

Strike: "\$30,000"

Insert: "\$15,000"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 611, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "20-9-516"

Strike: ", "

Insert: "AND"

Following: "39-51-409,"

Strike: "AND 90-1-203,"

2. Page 2, line 19.

Strike: "apprenticeship and"

Strike: "development"

Following: "training"

Insert: "grants"

3. Page 2, line 20.

Strike: "90-1-203"

Insert: "39-11-202"

4. Page 2, line 29 through page 3, line 8.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 613, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Strike: ", 17-7-111,"

2. Page 4, line 11.

Strike: "5"

Insert: "4"

3. Page 7, line 3 through page 10, line 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 11, line 23.

Strike: "both" through "attorneys"

Insert: "all cases for which representation is paid for by the office of public defender"

5. Page 13, line 20.

Strike: "4"

Insert: "3"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

6. Page 13, line 21.

Strike: "4"

Insert: "3"

7. Page 13, line 22.

Strike: "5"

Insert: "4"

8. Page 13, line 23.

Strike: "5"

Insert: "4"

And, as amended, do pass. Report adopted.

HB 619, introduced bill, be amended as follows:

1. Title, line 5.

Following: "APPROPRIATIONS ACT"

Insert: "BY REQUIRING THE CALCULATION OF AN ANNUAL SUSTAINABLE YIELD"

Strike: "REQUIRING"

Insert: "ESTABLISHING"

2. Page 1, line 20.

Following: "department"

Insert: "to address fire mitigation, pine beetle infestation, and wildlife habitat enhancement"

And, as amended, do pass. Report adopted.

HB 622, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

3/22/2011

SB 15, be amended as follows:

1. Page 1, line 14.

Strike: "0.20"

Insert: "0.16"

2. Page 2, line 5.

Strike: "and"

3. Page 2.

Following: line 5

Insert: "(b) the person is subject to all conditions of the 24/7 sobriety program if available and if imposed by the court; and"

Renumber: subsequent subsection

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

4. Page 11.

Following: line 23

Insert: "NEW SECTION. Section 11. Coordination instruction. If House Bill No. 106 is not passed and approved, then [section 1(3)(b) of this act] is void."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/22/2011

HB 157, do pass. Report adopted.

SB 42, be amended as follows:

1. Page 3, line 11 through line 12.

Strike: "MAY OBTAIN"

Insert: "may apply for"

2. Page 3, line 12.

Following: "WARRANT"

Insert: "to be issued pursuant to 46-5-224"

And, as amended, be concurred in. Report adopted.

SB 172, be amended as follows:

1. Page 4, line 25 through line 26.

Strike: "MANUFACTURED" on line 25 through "STATES" on line 26

Insert: "that comply with federal standards on the manufacture and installation of the systems"

2. Page 7.

Following: line 9

Insert: "(iii) The term does not include property, including associated property and appurtenant land and improvements, that is used to hold water in ponds, reservoirs, or impoundments related to hydroelectric pumped storage as defined in subsection (4)(e)."

And, as amended, be concurred in. Report adopted.

SB 266, be concurred in. Report adopted.

MOTIONS

Representative Warburton moved to change his vote on **HB 490** from Not Voting to Yes.
Representative Sesso objected.

House Recessed.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

House Reconvened.

Representative Warburton moved to change his vote on **HB 490** from Not Voting to Yes.
Representative Sesso withdrew his previous objection.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, March 23, 2011. Motion carried.

House adjourned at 2:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House