

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

Helena, Montana
March 28, 2011

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chairman):

3/28/2011

Correctly printed: **HB 240, SB 89, SB 306, SB 385, SJR 7, SJR 10, SJR 11.**

Correctly engrossed: **HB 14, HB 603, HB 629, HB 631, HB 633, HB 636, SB 97, SB 347.**

Correctly enrolled: **HB 49, HB 77, HB 90, HB 116, HB 131, HB 134, HB 225, HB 255, HB 256, HB 315, HB 342, HB 528, HJR 19.**

Examined by the sponsor and found to be correct: **HB 49, HB 77, HB 90, HB 110, HB 116, HB 131, HB 134, HB 225, HB 255, HB 256, HB 315, HB 342, HB 528, HJR 19.**

Delivered to the Governor for approval at 4:35 p.m., March 28, 2011: **HB 255.**

Delivered to the Governor for approval at 8:30 a.m., March 28, 2011: **HB 25, HB 80, HB 82, HB 117, HB 142, HB 171, HB 212, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 338, HB 401, HB 403, HB 422, HB 428, HB 432, HB 449, HB 467, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568.**

Delivered to the Secretary of State at 8:34 a.m., March 28, 2011: **HJR 17.**

Signed by the Speaker at 2:47 p.m., March 28, 2011: **HB 255.**

Signed by the Chief Clerk of the House at 2:45 p.m., March 28, 2011: **HB 255.**

Representative Brodehl introduced Steve Stafford from Kalispell who entertained the House with music.

Representative C. Smith introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

3/28/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, March 26, 2011:

TITLE

NAME

Pages:

Levi Burlison, White Sulphur Springs
Elise Preble, Somers
Heidi Heiland, Hamilton
Colt Sales, Bozeman
Kenneth Taylor, Cut Bank
Kyndall Miller, Laurel
Ariel Simon, Helena
Matthew Warburton, Chinook

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and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 28, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Brittany Bangerter, Helena Isaac Reichner, Big Fork Scotty Keller, Kalispell Emily Eicholtz, Helena Hailey Duffin, Miles City Jessica Riffel, Carter Zach Johnson, Helena Hunter Feiss, Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 3/28/2011
HB 240, do pass. Report adopted.
HB 603, introduced bill, be amended as follows:

1. Title, page 1, line 13 through line 14.
Strike: "PROVIDING" on line 13 through "COSTS;" on line 14

2. Page 5, line 22.
Following: "and"
Insert: "hire"

3. Page 39, line 17 through line 20.
Strike: section 25 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

EDUCATION (Reichner, Chairman): 3/25/2011
SB 385, be concurred in. Report adopted.
SJR 11, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 3/26/2011
HB 629, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "OF"
Strike: "MORE THAN THREE"
Insert: "CERTAIN"

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2. Title, page 1, line 8.

Following: "REQUIREMENTS;"

Insert: "ALLOWING A GOVERNING BODY TO EXEMPT CERTAIN BUILDINGS OR STRUCTURES FROM SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVIEW CERTAIN BUILDINGS OR STRUCTURES IN THE SAME MANNER AS MAJOR SUBDIVISIONS;"

3. Title, page 1, line 9.

Strike: "76-3-608,"

4. Title, page 1, line 10.

Following: "the first "MCA;"

Insert: "AND"

Strike: "; AND" through "DATE"

5. Page 1, line 23.

Following: "(1)"

Strike: "The"

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

6. Page 1, line 25.

Strike: "76-2-204"

Insert: "76-3-204"

Following: "reviewed"

Insert: "in the same manner as a first minor subdivision"

Strike: "this section"

Insert: "76-3-609"

7. Page 1, line 26 through page 2, line 16.

Strike: "(2)" on page 1, line 26 through "76-3-609." on page 2, line 16

Insert: "(2) A governing body may review subdivisions for the rent or lease of six or more buildings or structures in the same manner as provided for major subdivisions."

ReNUMBER: subsequent subsections

8. Page 3, line 24.

Following: "structures."

Insert: "(1)"

9. Page 3, line 29.

Strike: "(1)"

Insert: "(a)"

10. Page 4, line 1.

Strike: "(2)"

Insert: "(b) except as provided in subsection (4),"

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11. Page 4, line 2.

Strike: "(a)"

Insert: "(i)"

12. Page 4, line 4.

Following: "lots;"

Insert: "or"

13. Page 4, line 5.

Strike: "(b)"

Insert: "(ii)(A)"

Strike: "single dwelling structures"

Insert: "buildings or structures designed for use as dwellings or places of business"

14. Page 4, line 6.

Following: "residence;"

Insert: "or"

15. Page 4, line 7 through line 10.

Strike: "(c)"

Insert: "(B)"

Strike: ": or" on line 7 through "operation" on line 10

Following: line 10

Insert: "(2) For purposes of this section, "dwelling" means a habitable residential structure, including a mobile home or recreational vehicle, and does not include a place of business.

(3)(a) Exemptions for a dwelling or place of business as provided in this section must be counted as follows:

(i) a single dwelling or place of business must be counted as one exemption;

(ii) a duplex, whether a dwelling or a place of business, must be counted as two exemptions;

(iii) a triplex, whether a dwelling or a place of business, must be counted as three exemptions; and

(iv) any buildings or structures that contain more than three dwellings, places of business, or dwellings and places of business in combination must be reviewed pursuant to [section 1].

(b) An exemption for a tract of record may be used only once and runs with the land independent of further divisions of or use of exemptions for the tract.

(4) A governing body may adopt regulations exempting more than three buildings or structures in addition to the parcel owner's primary residence from the requirements of this chapter."

16. Page 8, line 3.

Following: line 2

Insert: "(4) A governing body that adopts subdivision regulations exempting more than three buildings or structures as provided in 76-3-204 shall state the number of buildings or structures exempted from review."

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17. Page 9, line 3 through page 10, line 12.

Strike: section 8 in its entirety

Renumber: subsequent sections

18. Page 15, line 25.

Strike: section 15 in its entirety

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/25/2011

SB 89, be concurred in. Report adopted.

SB 306, be concurred in. Report adopted.

SJR 7, be concurred in. Report adopted.

SJR 10, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/26/2011

SB 129, introduced by Lewis

SB 253, introduced by Lake

SB 319, introduced by Essmann

SB 322, introduced by Balyeat

SB 371, introduced by Lewis

SB 372, introduced by Tutvedt

SB 409, introduced by Tutvedt

House bills concurred in and returned to the House:

3/26/2011

HB 131, introduced by Menahan

HB 342, introduced by C. Smith

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

3/26/2011

HB 166, introduced by Esp

HB 271, introduced by Kerns

HB 277, introduced by Washburn

HB 291, introduced by Sesso

HB 538, introduced by K. Peterson

HB 542, introduced by Esp

HB 575, introduced by Hansen

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FIRST READING AND COMMITMENT OF BILLS

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

SB 129, introduced by Lewis, referred to Appropriations.

SB 253, introduced by Lake, referred to Taxation.

SB 319, introduced by Essmann, referred to Transportation.

SB 322, introduced by Balyeat, C. Smith, Zinke, Brodehl, Warburton, Blasdel, Shockley, Kerns, O'Neil, Knox, Vance, Ankney, Ripley, Steinbeisser, Jones, Jackson, Brenden, G. Bennett, referred to Judiciary.

SB 371, introduced by Lewis, Hinkle, referred to Taxation.

SB 372, introduced by Tutvedt, referred to Taxation.

SB 409, introduced by Tutvedt, Hamlett and Mowbray, referred to Natural Resources.

Representative McGillvray moved that the House Republicans caucus. Motion carried.

Representative Sesso moved that the House Democrats caucus. Motion carried.

House Recessed.

House Reconvened.

**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 Yates in the chair.

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

HB 631 - Representative Menahan moved **HB 631** do pass.

HB 631 - Representative Menahan moved **HB 631**, second reading copy, be amended as follows:

1. Page 17.

Following: line 12

Insert: "(iv) For purposes of this subsection (3)(d), a person who is self-employed is considered to be an employer."

Amendment adopted as follows:

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

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Hale, Hands.
Total 2

Excused: Boland.
Total 1

Absent or not voting: None.
Total 0

HB 632 - Representative McGillvray moved consideration of **HB 632** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 631 - Representative Menahan moved **HB 631**, as amended, 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, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: Belcourt, Hale, Kary, Kennedy, Kerns, Klock, Knox, Miller, More, O'Neil, Skattum, Skees, Wagner, Welborn.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 622 - Representative Ankney moved **HB 622** 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, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Edmunds, Kennedy, McNiven, Regier, Skees, Stahl.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 633 - Representative Esp moved **HB 633** do pass.

HB 633 - Representative Esp moved **HB 633**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "PROCEEDS;"

Insert: "REVISING THE DEFINITION OF "BASE BUDGET" TO INCLUDE CERTAIN APPROPRIATIONS FOR THE HEALTHY MONTANA KIDS PLAN;"

2. Title, page 1, line 7.

Following: "17-6-606"

Insert: ", 17-7-102,"

3. Title, page 1, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 3, line 16.

Insert: "**Section 2.** Section 17-7-102, MCA, is amended to read:

"**17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

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- (1) "Additional services" means different services or more of the same services.
- (2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.
- (3) "Approving authority" means:
 - (a) the governor or the governor's designated representative for executive branch agencies;
 - (b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;
 - (c) the speaker for the house of representatives;
 - (d) the president for the senate;
 - (e) appropriate legislative committees or a designated representative for legislative branch agencies; or
 - (f) the board of regents of higher education or its designated representative for the university system.
- (4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature. For the biennium beginning July 1, 2011, the term includes items specified in section 85, Chapter 489, Laws of 2009.
 - (b) The term does not include funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met.
- (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.
- (6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.
- (7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.
- (8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.
- (9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.
- (10) (a) "Present law base" means, subject to subsection (10)(b), that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:
 - (i) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

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(ii) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(iii) inflationary or deflationary adjustments;

(iv) elimination of nonrecurring appropriations; and

(v) items specified in section 85, Chapter 489, Laws of 2009.

(b) For the budget for the 2011 legislative session, present law base must be adjusted by reducing general fund budgets by the equivalent of that portion of the 2% across-the-board reduction assessed by the 61st legislature on selected agencies that was allocated by those agencies to personal services in the 2011 biennium. The director of the governor's office of budget and program planning and the legislative fiscal analyst shall agree on a mechanism for determining how agencies have allocated this reduction.

(11) "Program" means a principal organizational or budgetary unit within an agency.

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell. (Terminates June 30, 2011--sec. 35(1), Ch. 486, L. 2009; sec. 82, Ch. 489, L. 2009.)

17-7-102. (Effective July 1, 2011) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature. For the biennium beginning July 1, 2013, the base budget for the health resources division in the department of public health and human services

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may also include funding appropriated in [section 4] during the 2013 biennium for the healthy Montana kids plan.

(b) The term does not include funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(10) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(11) "Program" means a principal organizational or budgetary unit within an agency.

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell. (Terminates June 30, 2020--sec. 11, Ch. 319, L. 2007.)

17-7-102. (Effective July 1, 2020) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions,

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universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

- (a) the governor or the governor's designated representative for executive branch agencies;
- (b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;
- (c) the speaker for the house of representatives;
- (d) the president for the senate;
- (e) appropriate legislative committees or a designated representative for legislative branch agencies; or
- (f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(10) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

- (a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;
- (b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;
- (c) inflationary or deflationary adjustments; and
- (d) elimination of nonrecurring appropriations.

(11) "Program" means a principal organizational or budgetary unit within an agency.

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(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell."

Renumber: subsequent sections

5. Page 7, line 9.

Following: line 8

Insert: "NEW SECTION. Section 7. Termination. [Section 2(4)(a) terminates June 30, 2013."

Amendment adopted as follows:

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

Total 98

Nays: None.

Total 0

Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

HB 633 - Representative Esp moved **HB 633**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Lavin, Loney,

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MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 57

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

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 2 - Representative Hollandsworth moved **HJR 2** be adopted. 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, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Blyton, Hale, Hansen, Hendrick, Kennedy, Kerns, Knox, Knudsen, McNiven, Mehlhoff, Miller, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 607 - Representative Welborn moved **HB 607** 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, Hands, Hansen, Harris, Hill, Hiner,

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Total 87

Nays: G. Bennett, Hale, Hendrick, Ingraham, Kennedy, Kerns, Knox, McClafferty, Mehlhoff, More, Skees, Wagner, Yates.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 638 - Representative Howard moved **HB 638** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, 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, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Bangerter, 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, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 14 - Representative Menahan moved **HB 14** do pass.

HB 14 - Representative Gibson moved **HB 14**, second reading copy, be amended as follows:

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1. Title, line 6.

Following: "OFFENSES;"

Insert: "EXTENDING OR"

2. Title, line 9.

Following: "CONVICTIONS"

Insert: "ON THIRD AND SUBSEQUENT OFFENSES"

3. Page 1, line 28.

Following: "offense"

Insert: "within the time period specified in 61-8-734"

4. Page 3, line 5.

Following: line 4

Insert: "(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes."

5. Page 3, line 5.

Strike: "(b)"

Insert: "(c)"

Amendment adopted as follows:

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

Total 88

Nays: Burnett, Hansen, Hendrick, Knudsen, Loney, McGillvray, Read, Regier, Vance.

Total 9

Excused: Boland, Kary.

Total 2

Absent or not voting: Malek.

Total 1

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HB 14 - Representative Menahan moved **HB 14**, as amended, 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, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt,

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

Total 88

Nays: Belcourt, Cuffe, Hale, Kerns, Klock, Knox, Knudsen, Miller, Osmundson, Small, Vance, Welborn.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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 Yates moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 94

Nays: Hale, Klock, MacDonald, Pease-Lopez.

Total 4

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Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 175 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, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

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

Total 29

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 363 passed as follows:

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

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Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

HB 445 passed as follows:

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

Total 64

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

Total 33

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 463 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, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

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Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, 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.

Total 32

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 477 passed as follows:

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

Total 83

Nays: G. Bennett, Blasdel, Edmunds, Hale, Hendrick, Kennedy, Kerns, Klock, Knox, More, Skattum, Skees, C. Smith, Wagner.

Total 14

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 495 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knox, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Stahl, Taylor, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 69

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Nays: Barrett, B. Beck, Belcourt, B. Bennett, Furey, Hale, Hands, Hill, Ingraham, Kennedy, Kerns, Knudsen, Lavin, MacDonald, Malek, McClafferty, Noonan, Pease-Lopez, Randall, Regier, Reinhart, C. Smith, Squires, Swanson, Vance, Wagner, Warburton, Williams.
Total 28

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: None.
Total 0

HB 560 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 57

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Court, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Loney, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.
Total 40

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: None.
Total 0

HB 561 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, MacLaren, Malek, McChesney, McClafferty,

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McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 40

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 562 passed as follows:

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

Total 64

Nays: Barrett, Belcourt, B. Bennett, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Lavin, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 33

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 577 passed as follows:

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

Total 57

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Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Court, Driscoll, Edmunds, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 40

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: None.
Total 0

HB 604 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 59

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

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: Berry.
Total 1

HB 609 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, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

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

Total 31

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 610 failed as follows:

Yeas: Ankney, Arntzen, Bangerter, Berry, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Furey, Hansen, Harris, Hollandsworth, Hollenbaugh, Hoven, Howard, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Read, Reichner, Roberts, Salomon, Small, Stahl, Wagner, Warburton, Washburn, Mr. Speaker.

Total 37

Nays: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Connell, Court, Driscoll, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates.

Total 60

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 612 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, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 58

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Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Vance, Williams, Wilmer.
Total 39

Excused: Boland, Evans, Kary.
Total 3

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 Yates in the chair.

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

HB 518 - Representative Hunter moved **HB 518** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 83

Nays: Blasdel, Blyton, Brodehl, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Lavin, Regier, Skattum, Skees, C. Smith, Vance, Washburn.
Total 16

Excused: None.
Total 0

Absent or not voting: Cuffe.
Total 1

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HB 618 - Representative Pease-Lopez moved **HB 618** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, 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 94

Nays: B. Beck, G. Bennett, Hale, McNiven, Osmundson, Regier.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 614 - Representative Miller moved **HB 614** do pass. Motion carried as follows:

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

Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Schmidt, Sesso, Squires, Swanson, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative McClafferty moved to change her vote on **HB 632** from Not Voting to Yes. Without objection, so ordered.

HB 632 - Representative Taylor moved **HB 632** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Connell, Driscoll, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollenbaugh, Hoven, Ingraham, Kary, Kennedy, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNally, McNiven, Mehlhoff, More, O'Hara, O'Neil, Peterson, Price, Read, Regier, Reichner, Rosendale, Sands, Skattum, Skees, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 55

Nays: Ankney, Belcourt, Berry, Burnett, Clark, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hiner, Hollandsworth, Howard, Hunter, Kerns, Klock, Knudsen, McClafferty, McGillvray, McNutt, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Randall, Reinhart, Roberts, Salomon, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Wagner, Welborn, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

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

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

Total 85

Nays: Belcourt, Berry, Hale, Hollenbaugh, Malek, McClafferty, Noonan, Phillips, Reinhart, Sesso, F. Smith, Squires.

Total 12

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Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):

3/28/2011

SB 97, be amended as follows:

1. Title, line 6.

Strike: "16"

Insert: "18"

2. Page 2, line 18.

Strike: "16"

Insert: "18"

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

SB 347, be amended as follows:

1. Page 5, line 15.

Following: "use of"

Insert: "either"

Strike: "and"

Insert: "or"

2. Page 5, line 16.

Strike: "a common"

Insert: "the state's official internet"

3. Page 5, line 22.

Following: "The"

Insert: "agency"

Following: "website"

Insert: "link"

Strike: "be created to"

4. Page 6, line 7.

Strike: "[section 5 1]"

Insert: "2-10-105"

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5. Page 6, line 8.

Strike: "[section 5 1]"

Insert: "2-10-105"

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

TRANSPORTATION (Vance, Chairman):

3/25/2011

HB 636, introduced bill, be amended as follows:

1. Title, page 1, line 13.

Strike: "DONATIONS"

Insert: "DESIGNATIONS"

2. Page 11, line 19.

Strike: "a motor vehicle"

Insert: "treated as a light vehicle"

3. Page 12, line 7.

Following: line 6

Insert: "(b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

(c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been modified to meet the equipment standards specified in chapter 9 of this title and has been registered for highway use."

Renumber: subsequent subsections

4. Page 13, line 8.

Following: "for"

Strike: "road"

Insert: "off-road"

5. Page 18, line 29.

Strike: "low-pressure"

6. Page 24, line 19.

Following: "vehicle"

Strike: ", "

Insert: "or"

7. Page 24, line 19 through line 21.

Following: "motorcycle"

Strike: ", quadricycle" on line 19 through "snowmobile" on line 21

Insert: "designed for use on highways"

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8. Page 34, line 5.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

9. Page 34, line 7.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

10. Page 34, line 9.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

11. Page 34, line 14.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

12. Page 34, line 17.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

13. Page 34, line 24.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

14. Page 38, line 2.

Strike: "person to whom ownership"

Insert: "owner"

15. Page 38, line 3 through line 4.

Strike: "has" on line 3 through "transferred" on line 4

16. Page 40, line 5

Strike: "subsection (3) and subsection (11)"

Insert: "subsections (3), (11), and (12)"

17. Page 46, line 20.

Following: "quadricycle,"

Insert: "utility vehicle,"

18. Page 70, line 17.

Strike: "a utility vehicle,"

And, as amended, do pass. Report adopted.

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MOTIONS

Representative McGillvray moved **HJR 2** be moved from the Committee of the Whole after Second Reading to the Taxation committee.

Representative Hunter moved that **HB 620** be taken from Business and Labor and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Brodehl, Connell, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 40

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 57

Excused: Boland, Kary.
Total 2

Absent or not voting: Evans.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Tuesday, March 29, 2011. Motion carried.

House adjourned at 4:24 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House