

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

Helena, Montana
February 16, 2011

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chairman):

2/16/2011

Correctly printed: **HB 275, HB 346, HB 359, HB 419, HB 448, HB 464, HB 469, HB 471, HB 498, HB 523, HB 535, HJR 15, SB 21.**

Correctly engrossed: **HB 240, HB 274, HB 338, HB 342, HB 363, HB 366, HB 416, HB 432, SB 19.**

Delivered to the Governor for approval at 9:20 a.m., February 16, 2011: **HB 21.**

Signed by the Speaker at 2:40 p.m., February 16, 2011: **HB 60.**

Signed by the Chief Clerk of the House at 12:25 p.m., February 16, 2011: **HB 60.**

Delivered to the Governor for approval at 3:30 p.m., February 16, 2011: **HB 60.**

MOTIONS

Representative Blasdel moved **HB 560** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 561** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 562** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 564** be moved from the Local Government committee to the Taxation committee.

Representative McGillvray moved that the body recess for the purpose of receiving the State of Education address by Superintendent of Public Instruction, Denise Juneau. Upon adjournment of the joint session the House will reconvene. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits entrance outside the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit the Senate to the House chamber.

Speaker Milburn introduced President Peterson and yielded the chair.

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Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address by Superintendent of Public Instruction, Denise Juneau. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Superintendent of Public Instruction, Denise Juneau that we are in joint session and ready to receive the State of Education address. Motion carried.

President Peterson appointed Senators Zinke, Hawks and Representatives Reichner and McClafferty to escort Superintendent of Public Instruction, Denise Juneau into the House chamber.

Sgt-at-Arms Clark announced that the committee to escort Superintendent of Public Instruction, Denise Juneau awaits entrance to the House chamber. President Peterson requested that Sgt-at-Arms Clark admit Superintendent Juneau into the House chamber.

President Peterson introduced Superintendent Juneau.

Superintendent Juneau made the following remarks:

Mr. Speaker, Mr. President, Members of the 62nd Legislature, special guests, and friends of education:

Thank you so much for the warm welcome and the opportunity to be with you today. I would like to especially thank my brother, Ron Juneau, and my nephew, Lakota – a 3rd grader at Big Sky Elementary School in Billings - for sharing this day with me.

I would also like to thank my mom, Carol, and my dad, Stan, who are watching online. They supported me and my brother in our every endeavor, instilled in us a willingness to serve others, and made sure that we were successful in school because they knew becoming educated would open many doors for us.

My mom proudly served with many of you in both the House and the Senate. She is especially proud of the realization of Indian Education for All and that Montana has made great strides in fulfilling its constitutional obligation to recognize the distinct and unique cultural heritage of American Indians in its educational system. In a few short years, the Office of Public Instruction has developed over 300 classroom resources and offered training to thousands of educators. Teachers are now integrating accurate information about American Indians into classroom lessons about math, science, art, music, literature, and PE. Your past work to respect the Indian nations located in Montana and ensure they have a place in our public education system is seeing exceptional results. Just last week, more than 200 educators gathered in Helena for the IEFA Best Practices conference, and Montana is a recognized national leader in developing instructional materials and integrating Indian Education for All into classrooms. I would also like to give my appreciation to the staff at the Office of Public Instruction. My staff are dedicated, committed state employees who excel at delivering high-quality support to 828 schools, 15,077 school staff, and 141,807 K-12 students. They take great pride in doing work that matters. And I

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take great pride in leading the agency.

Joining us today in the gallery are also County Superintendents, who come from every corner of Montana. Thank you for your work on behalf of schools and students.

At OPI, we constantly work to make government more transparent and communication with the public easier. During the last two years, the Office of Public Instruction has entered the world of web 2.0 tools. You can visit our updated website that receives over 3 million hits per year; you can opt into our official email system and receive our communications to schools and subscribe to OPI e-news; you can become OPI's friend on Facebook; and we just recently launched MT OPI on i-Tunes where students and teachers can download professional development videos and curriculum resources for free anytime, anywhere. Technology offers all of us so many opportunities for communicating our work, being accountable, and providing accessibility. In fact, I'll bet Rep. Ellie Hill is "live-tweeting" this speech right now. All of you, tweeters or not, were sent by the voters to the 2011 Legislative Session to make responsible decisions, create jobs, grow our economy and ensure our state's long-term prosperity.

I know that each of us in this room values education, and although we may disagree on the best way to deliver it or fund it or improve it, we all know it's important and that it has significant meaning to the citizens of our state. That's why we as policymakers struggle to ensure we get it right so every student reaches his or her full potential.

Prioritizing and investing in public education during this session is imperative. Public education is still the great equalizer in America. It is open to all – to every child that walks through the door – no matter their ability, zip code, heritage, or economic background. And we ask a lot from our public schools. We ask our schools to produce students who know how to read, do quadratic equations, understand the scientific method, write an essay, give a speech, appreciate the arts, be healthy, understand their place in global society, grasp the foundational principles of our democracy, speak a language other than English, and use technology.

We all know that the end result of a quality education defines our state's future and creates its economic well-being. When you are in your committees and respective chambers, you must always remember the promises that public education holds for individuals, communities, our state, and our country.

There are students sitting in classrooms right now, learning to read, or on the playground at recess, or eating school lunch, or playing the recorder in music class. They don't know what is going on here at the Capitol January through April. They just know they like school, enjoy learning new things, and love their teacher. But, they are counting on you, members of the legislature, to protect the state's investment in their public school.

This morning, in some Montana town, a single mother living each day with courage, working two jobs, and stretching her budget to put food on the table and pay the rent, walked her child to her neighborhood school and trusted that he would get a good hot breakfast and lunch, be taken care of in a safe environment, and learn his A, B, C's. She doesn't have time to keep track of what is going on here at the Capitol. But, she is counting on you to help deliver a quality

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education to her child – so her hard work does not go to waste and her child has the opportunity to reach his full educational potential.

Many of us were born with certain privileges. My privilege was the stability of my parents, their support of my schooling, and their steadfast belief that I would go to college. However, some of our students do not have family members who attended college, have access to wealth, live in safe family environments, or simply have the opportunity to just be children.

That is why we must recognize that while education provides the means for all children to pursue success, a good education is oftentimes the only means for some children to break the cycle of poverty. Schools can make a huge difference for at-risk children by finding ways to help them overcome their challenges and help them succeed. I urge you to restore the \$10 million at-risk funding for schools that was reduced to \$2 last session so schools can provide programs that help these students, because a good education can transform their lives.

Montana has a long history of maintaining quality and excellence in its public education system – a long history of unwavering commitment to public education and a goal of graduating every Montana student from high school being prepared for college and careers.

And, because Montana continues to commit to quality and excellence, great things are happening in our classrooms and the citizens of Montana receive a quality product for the taxes they pay.

The National Assessment of Educational Progress, also called “The Nation’s Report Card,” is the ONLY standardized test that allows for direct comparison across states. It shows that the math skills of Montana students exceed the national average and continue to climb - Montana eighth graders scored better than students in all but two other states and Montana fourth graders scored better than students in all but four other states in the nation.

- The reading skills of Montana students continue to exceed the national average. The scores of Montana fourth and eighth-graders are among the top five highest scoring states as well.
- Montana students lead the nation in science scores. In eighth grade, we share the highest score in the nation with just three other states. Only one state scored higher than Montana’s 4th graders.
- Montana schools were recognized by the Education Trust for the performance levels of our low-income students. In Montana, we have some of the smallest academic disparities between low income and high income students in the nation.
- Our 2010 graduating class outpaced the nation in ACT scores – the test that measures college readiness.

Public education in Montana is not broken. In fact, it is thriving. We should all be proud of the hard work that these numbers reflect: the hard work of our students, our teaching force, and the communities that support Montana’s schools. And, we will continue to see this quality and

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excellence when we prioritize and invest in our public education system.

Now, I understand that as much as we can feel great about what we accomplish in K-12 education, we cannot afford to rest on our laurels. I believe in assessing our progress and confronting our challenges. Based on the dropout and graduation data we collect at OPI, we know there are too many Montana students that don't attain a high school diploma – right around 2,000 each year. The effects of dropping out are damaging to our state – with high school dropouts comprising 75 percent of incarcerated men and women and tens of millions of dollars spent each year in supportive services for adults who do not earn a high school diploma.

According to the Alliance for Excellent Education, if the male high school graduation rate increased by just 5%, MT's economy would see a combination of crime-related savings and additional revenue of \$19.6 million each year. That should be reason enough for us to want to improve graduation rates.

Last fall, I launched an initiative called Graduation Matters Montana that works with schools, communities, and business partners to support kids staying in school. One piece of this initiative is legislative. I commend Senator Taylor Brown for working with me on SB 44, to increase the legal dropout age from “age 16” to “age 18 or upon graduation.” Passing this bill would have set an expectation that, in today's economic climate, it is imperative that a student stay in school and earn a diploma or certificate. The last time the age was adjusted was 90 years ago - in 1921. Our world is much different from that time, and our expectations should reflect our current economic structure and society. Despite this bill not getting out of the Senate Education Committee, I remain committed to Graduation Matters Montana and working with schools and communities to set the target higher, because I believe all our children can achieve more.

I recently received an e-mail from a former student thanking me for believing in her while she was in high school and for giving her hope that she could do something successful in her life. Although she left school before graduating, she did earn her GED and join the National Guard. She is now married, has two beautiful sons and is serving our country in Iraq. My response to her was that she was, and continues to be, worthy of high expectations. We should all believe in our students enough, and care enough about them, that we create a system of support for them to achieve high school success.

There are times when, because of life circumstances, people do not complete high school. We must still find ways for those adults to attain a diploma or certificate that opens doors to employers and college. Monday, the subcommittee on education appropriations heard from many people who benefitted from Adult-Basic Education programs. These programs offer adults, who did not make it through high school for one reason or another, a pathway to a GED, college, or the workplace. I urge you to restore the funding for these vital programs in communities all across Montana. They offer many people an option for a better life.

Part of keeping kids in school is making sure schools are safe places to learn. I was happy to stand with Attorney General Steve Bullock and many others in support of Senator Kim Gillan's Schools Are For Education, or the SAFE Act, which articulated that a safe and civil environment

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in school is necessary for students to be engaged in learning.

The Senate recently passed a bill on a 47-3 vote that prohibits hunters from being harassed, threatened, or intimidated – a bill with a \$20,000 fiscal note. So, I was disappointed when the SAFE Act was tabled in the Senate Education Committee. I have to believe that the full Senate would have passed a bill that simply provides that parents and students can rely on their school to have clear and transparent definitions, procedures, and policies around bullying – a bill with a fiscal note of zero dollars.

During the hearing on the SAFE Act, we heard heart-wrenching stories from students who are bullied every day and stories from parents who are at a loss of how to help their child cope with bullies at school. Students should not be afraid to go onto the playground during recess or be afraid of being pushed, shoved, hit, slammed into lockers, humiliated daily, ridiculed relentlessly, be the subject of texted mean-spirited rumors, or have their tormenters follow them on the web 24/7.

As policymakers, we cannot look the other way and say “bullying has gone on forever” or “kids will be kids,” because excuses make us passive and indifferent. Bullying does happen in our schools. At some point, this body needs to send a message that it is not appropriate to bully, harass, threaten, or intimidate children in our schools.

One of the more demanding initiatives I have undertaken is improving student outcomes in schools and communities that are facing significant challenges. Under my Schools of Promise initiative, we are working to transform the four lowest performing school systems in the state.

Despite our great educational outcomes overall, we do have a few schools that need reform. These schools are located in communities that suffer deep generational, isolated, and concentrated poverty. Some of these communities have unemployment rates that hover around 70 percent – not just during the recession – but, always. Many students come to school with heavy loads of emotional trauma. Most students in these schools are not proficient in reading and math.

As the leader of the state’s public education system, I will not stand by and let another generation of students fail. Our state cannot afford to allow certain communities to languish. The hope for these communities, and indeed, for our state, will transpire when every child is successfully educated in a quality school. We must work with these schools, their staff, parents, students, and communities to raise academic achievement.

Under the Schools of Promise initiative, we developed a close partnership with these schools. It was not an easy task. Local union members showed tremendous courage and agreed to amend their collective bargaining agreements to work longer hours, more days, and be evaluated on stringent requirements, including student data. School boards had to agree in a couple of schools to replace their long-standing high school principal. Administrators had to agree that things were going to change, and OPI would be there to work alongside them on every aspect of this change. Communities had to agree to become more involved and connected to the school.

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We have four staff on the ground in each of these schools to work with the administration, teachers, the school board and the community. This work is by no means easy. In fact, there are difficulties at every turn. It is, however, vitally important work, and small stories of success are emerging. One of our community liaisons does home visits and asks families to describe the hopes and dreams they have for their children.

One mother, who does not have her own high school diploma, hopes her daughter achieves her dream of becoming a mechanical engineer and that her son reaches his goal of going into the military. She knows that her number one job is to get her children to school every day, to celebrate their academic success, and to believe in them. She posts their perfect-attendance certificates on her living room wall.

In another community, our staff identified ten students who were on their way to dropping out because they lack enough credits to graduate. Working with the school, our staff brought these students to a multiple-day training to help them reassess their choices and to imagine a better life for themselves. These students now meet every week to support each other to stay in school.

I grew up and attended school in a similar community - Browning. I received a quality education from Browning schools that led me to college, graduate school, and law school. The educational foundation I received in Browning led me to the teaching profession, the legal profession, and into a statewide elected position.

I know these schools of promise are capable of providing a quality education. I know these communities can come together to support their children and help them achieve greatness. There are students watching in Frazer today – one of our Schools of Promise. I know the students in Frazer are just as brilliant and capable as any other student in any of our other schools in Montana.

I have high expectations of you – students - and I need you to succeed – all of us in this chamber need you to succeed.

We will continue to work in partnership with the schools of promise to make sure their students are offered the opportunity to reach their full educational potential.

As State Superintendent, I strive to remain focused on meeting students' needs in our work. That is why we do such demanding work in all our initiatives, like Schools of Promise. We are tough, but fair, in our work with schools, educators, and communities, because sometimes children's lives hang in the balance.

I feel it is very important to bring a student voice to the table on state education issues. Oftentimes, adults plan and discuss educational policy, but we rarely talk to the people who will be most directly affected by our plans and discussions – the students. To meet this purpose, I recently brought together 40 students from 31 schools to meet as the first-ever State Superintendent's Student Advisory Board. This student group is very diverse. They come from Twin Bridges, Browning, Glasgow, Wibaux, and all points in between. Some are involved in extra-curricular activities; some get good grades, and some, not so good. Some have a great

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network of support that helps them get through school; some have had to overcome big challenges in life to stay in school. Some of them have dropped out of school and dropped back in; and some are going to be the valedictorian or salutatorian of their graduating class. But, all of them expressed their belief that becoming educated is important to their future success. These young people, both in the Advisory Group and in our schools, inspire my work as State Superintendent. My discussions with them always remind me that they are counting on us to do the right things – to create good student-centered policies, to set high expectations, and to support them in achieving their dreams.

And, we have had the legislature's help in the past to create relevant, real-world learning experiences for students and flexibility in their educational settings. The 2009 Legislature provided a piece of this flexibility by funding the Montana Digital Academy – an online learning opportunity for high school students.

It has just started its second semester and has over 2,000 students from 120 high schools enrolled in its 54 classes. Students in schools from Libby to Lodge Grass and from Westby to Whitefish are able to access classes as varied as AP English to Native American Studies to Mandarin Chinese to Oceanography. The governor's budget includes continued funding for the Digital Academy. I urge you to continue this successful innovative program so it continues to meet the growing demand for online learning. Our public education system must help students prepare for a future we have not yet imagined – and they need you to help them be successful.

We often hear a lot about a seamless education system that spans from Kindergarten through graduate school. Commissioner Sheila Stearns and I frequently bring our top policy teams together to talk about meeting our common goals of implementing dual enrollment, decreasing remediation rates, providing a comprehensive system of online learning, and working on smooth transitions for students. Our offices also work together on Big Sky Pathways, which provides career and technical courses in high schools that often lead to high-paying skilled jobs or a two-year college degree program.

All of Montana's high school students take at least one technical education course and over half take at least three classes. The state money for this program was stripped from our budget last week. I know Commissioner Stearns stands with me in urging you to restore these funds so high school students can continue to take these courses that help them become Montana's future work force.

I sincerely appreciate Commissioner Stearn's leadership in post-secondary education, her commitment to create an educated workforce in Montana, and her willingness to work with me toward an aligned, coherent kindergarten through college education system. Thank you for your partnership with K-12, Sheila.

I also work closely with the State Board of Public Education – the body that establishes accreditation standards – those targets of quality that schools must reach. The OPI implements the Board's standards and makes sure that schools are working toward these targets. I appreciate Chairperson Patty Meyer's leadership on the Board because she certainly has a

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“students come first” approach. Thank you, Patty, for your commitment to students.

I would also like to recognize the Board of Public Education members seated in the gallery. Please stand. Thank you for your leadership on this most important board.

Patty and I know that we need to continually improve our system for the next generation of learners. To prepare Montana schools to excel in the 21st century, we organized a task force of stakeholders to review a major part of the Board’s accreditation standards to make them more performance based – using data to determine whether a school is providing a quality education. We understand that local districts know best how to deliver a quality education and this new accreditation model will give schools of all sizes the flexibility to offer high quality learning opportunities while insuring that students and staff are treated in a professional manner. To ensure our students are held to the highest academic standard, I am working with the Board to join 40 other states in adopting common national standards in reading and math that will provide a clear understanding to students and parents of what students are expected to learn in school – from grade to grade, school to school, and state to state.

The OPI also signed on as a governing state (meaning we get to fully participate and vote) in a national consortia that is developing assessments to measure these common standards. This means that we will have common standards that are measured by a common assessment that will let us know how our students stack up to the rest of the country. Given our track record of excellent educational outcomes, I welcome that opportunity.

Since becoming Superintendent, I have worked closely with the Legislature toward continuous improvement of the K-12 system. Last session, Senator Lake sponsored HJR 6 that called on my office, the BPE and the Legislature to develop K-12 shared policy goals.

My staff, Chairperson Patty Myers, along with Senator Bob Lake, Senator Bob Hawks, Senate President Jim Peterson, and Representative Edie McClafferty met several times during the interim, discussed the future of Montana’s education system, and established several priority goals we could all work on together. These shared policy goals were meant to be used by the Legislature during this session to frame education budget initiatives and other policy recommendations for the 2013 biennium, and I have offered several policy and budget legislative requests that matched these goals. These are the promises we intend to keep with this legislative body, but we need you to be a partner in meeting these goals and do what’s necessary on your end as well.

I know that you are dealing with difficult decisions about revenue and your constitutional duty to leave the session with a balanced budget. Our state constitution also says that “the legislature shall provide a basic system of free quality public elementary and secondary schools.”

We cannot allow our current revenue challenge to be an excuse for our state to retreat from our long tradition of providing every child a quality education. In fact, we must take this opportunity to prioritize funding for public education because quality schools are the key to lifting our state out of its recession and ensuring its long-term prosperity. Failure to invest in public education now will lead to disappointment in every other possible investment.

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I know you are struggling to create a Montana of which all of us can be proud. And, of course, I urge you to continue to adequately fund public education. We must not forget, however, that while making critical investments in our students – those who will lead this state in the future – we must also protect those who are less fortunate and support those who are struggling mightily to lead a middle-class life, stay healthy, send their children to college, and retire with dignity. Those are Montana values. And, that is the role of government – to provide safety nets for people when necessary, to keep our communities safe, to create jobs, and to ensure educational opportunities for all. In fact, working together – in the light of day - is our best hope for achieving better lives for students and for all Montanans.

As we move through the next couple of months, please remember the critical importance of K-12 public education to our economic future and the lives of all of Montana children. You must maintain the quality and excellence in our public school system that our constituents have come to expect. The Governor has submitted a budget to you that prioritizes the government's duties, adequately funds K-12 education and leaves money in the bank.

Our students are doing well today because of the investments that the Legislature has made in the past. We know that when the state cuts support for public schools, local taxpayers are forced to pick up the tab in order to maintain excellence. Shifting the burden to local taxpayers in this manner has the same effect as an unfunded mandate. I urge you to fund K-12 education to the levels you find in the Governor's budget.

Priorities do matter. As leaders, you must be courageous and choose to prioritize and invest in our public education system. You must tell young people that you believe in them and then back it up with action. Resist the temptation to cut funds to schools, and instead, do what has to be done, and protect our most valuable long-term resource – our students.

I thank you, members of the Legislature, for serving the people of Montana. Leadership is never easy. However, leadership, especially in challenging times, means that you do the right thing. I ask that you do the right thing for those students sitting in classes right now who enjoy learning new things. Do the right thing for that single mother struggling to make ends meet who is counting on you to help deliver a quality education to her child so he has the opportunity for future economic success. It is only by maintaining a quality education system that we will truly meet our state's hopes and dreams

President Peterson requested that the committee of four escort Superintendent Juneau from the joint session.

Senator Essmann moved that the joint session be adjourned. Motion carried.

Representative McGillvray moved that the Republicans caucus. Without objection, so ordered.

House Reconvened.

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COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/15/2011
HB 469, do pass. Report adopted.
HB 471, do pass. Report adopted.
HB 498, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 2/16/2011
HB 275, do pass. Report adopted.
HB 342, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "\$1"

Insert: "\$5"

2. Page 1, line 17.

Following: "assets"

Insert: "or is likely to dissipate assets"

And, as amended, do pass. Report adopted.

HB 359, do pass. Report adopted.

HB 416, introduced bill, be amended as follows:

1. Page 6, line 7.

Strike: "Title 50, chapter 16," in two places

Insert: "Title 37, chapter 2," in two places

And, as amended, do pass. Report adopted.

HB 419, do pass. Report adopted.

HB 432, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "BANKS"

Insert: "AND CREDIT UNIONS"

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2. Title, page 1, line 8.

Following: "BANKS"

Insert: "AND CREDIT UNIONS"

3. Title, page 1, line 9.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "32-1-429"

Insert: "AND 32-3-609"

4. Page 1, following line 27.

Insert: "**Section 2.** Section 32-3-609, MCA, is amended to read:

"32-3-609. Insurance for members -- debt cancellation and suspension programs.

(1) A credit union may purchase or make available insurance for its members in amounts related to their respective ages, shares, or loan balances or to any combination of them.

(2) A credit union may, upon application to and approval by the department of administration pursuant to 32-3-206, offer debt cancellation and suspension programs. Debt cancellation or suspension programs offered pursuant to this subsection are not insurance products subject to the provisions of Title 33. The department shall adopt rules to implement this subsection that must be substantially equivalent to or more stringent than federal laws, regulations, and regulatory guidelines that are applicable to debt cancellation or suspension programs offered by federal credit unions."

And, as amended, do pass. Report adopted.

HB 464, do pass. Report adopted.

HB 535, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/15/2011

HB 363, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "81-1-110,"

2. Page 1, line 11 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 1, line 29.

Strike: "6"

Insert: "5"

4. Page 3, line 30.

Strike: "6"

Insert: "5"

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5. Page 6, line 6.

Strike: "6"

Insert: "5"

6. Page 6, line 14.

Strike: "6"

Insert: "5"

7. Page 6, line 21.

Strike: "6"

Insert: "5"

8. Page 7, line 5 through line 6.

Strike: "(b)" on line 5 through "predation;" on line 6

Renumber: subsequent subsections

9. Page 7, line 13.

Strike: "6"

Insert: "5"

10. Page 7, line 16.

Strike: "6"

Insert: "5"

11. Page 7, line 17.

Strike: "6"

Insert: "5"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/10/2011

SB 19, be amended as follows:

1. Page 2, line 30 through page 3, line 1.

Following: "proved by" on line 30

Strike: remainder of line 30 through "death" on page 3, line 1

Insert: "an acknowledged statement that a person with an interest in the property is deceased.

The statement must contain the matters specified in 7-4-2613(1)(c) and be recorded with the clerk and recorder in each county in which the real property or any part of the real property is located"

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

SB 21, be concurred in. Report adopted.

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JUDICIARY (Peterson, Chairman):
HB 240, introduced bill, be amended as follows:

2/16/2011

1. Title, line 8.

Following: "POLICIES;"

Insert: "PROVIDING CERTAIN TAX RATES FOR TRANSMISSION LINES FOR WHICH
EMINENT DOMAIN MAY BE USED;"

Following: "SECTIONS"

Insert: "70-30-101,"

2. Page 1.

Following: line 11

Insert: "**Section 1.** Section 70-30-101, MCA, is amended to read:

"70-30-101. Eminent domain defined -- definitions. (1) Eminent domain is the right of the state to take private property for public use. This right may be exercised in the manner provided in this chapter.

(2) As used in this chapter, unless the context indicates otherwise, the following definitions apply:

(a) "Appraisal" means a written statement, independently and impartially prepared by a certified real estate appraiser, as defined in 37-54-102, setting forth an opinion of defined value of an adequately described property as of a specific date and supported by the presentation and analysis of relevant market information.

(b) "Coercive in nature" means a type of action that uses duress in an attempt to induce a person to sign an instrument or to agree to the terms of a document against that person's will.

(c) "Condemnor" means a department, agency, or instrumentality of the state or a political subdivision of the state, a department, agency, or instrumentality of two or more states, or a person who has the authority to acquire property by eminent domain as provided in this chapter.

(d) "Every reasonable effort" means the effort that a reasonable person acting as a motivated buyer would use to accomplish the purchase of a property interest of a reluctant seller.

(e) "Final written offer" means the last written offer presented to the condemnee at least 30 days before service of process in a civil action pursuant to 70-30-202.

(f) "Negotiation" means a communication process of give-and-take discussions between parties that is intended to produce a settlement or an agreement.

(g) "Person" means an individual, partnership, corporation, or association."

Renumber: subsequent sections

3. Page 1, line 25.

Strike: "or" through the second "of"

4. Page 2, lines 12 and 13.

Strike: "after" on line 12 through "taken," on line 13

5. Page 2, line 13.

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Strike: "that offer was rejected in writing; and"

Insert: "the property owner was given 30 days to provide a written acceptance or rejection of the offer. A written offer is considered rejected if no response is made within 30 days after its delivery."

6. Page 2, line 14.

Strike: "[section 4]"

Insert: "[section 5] and 70-31-301"

7. Page 2, line 15

Strike: " "

Insert: "; and

(6) that there have been no actions coercive in nature to compel an agreement on the price to be paid for the property."

8. Page 2, line 21.

Strike: "final"

9. Page 3, line 3 through line 4.

Strike: "for which" on line 3 through "70-31-301" on line 4

10. Page 3.

Following: line 4

Insert: "(1) Before the initiation of negotiations for the acquisition of real property, an amount must be established that is reasonably believed to be just compensation for the property or interest taken and that amount must be offered for the property. The amount may not be less than the approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for the improvement, other than an amount due to physical deterioration within the reasonable control of the owner, must be disregarded in determining the compensation for the property. The owner of the real property to be acquired must be provided with a written statement of and summary of the basis for the amount established as just compensation. When appropriate, the just compensation for the real property acquired and for damages to remaining real property must be separately stated."

Renumber: subsequent subsections

11. Page 3, line 6.

Following: "negotiation"

Insert: "using the following process before a civil action for condemnation may be brought pursuant to 70-30-202:

(a) If within 4 months of the initial offer a voluntary property interest agreement has not been signed by both parties, then a formal mediation process may begin. The mediation process must be paid for by the person acquiring the property.

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(b) If mediation efforts do not produce a settlement agreement for a mutually signed property interest agreement, the person acquiring the property shall make the final written offer provided for in 70-30-111.

(c) The property owner or the property owner's agent has 30 days to either accept or reject the final written offer, and a lack of response on the part of the property owner within that time means that the property owner has rejected the final written offer.

(d) If the person acquiring the property has complied with 70-30-111, a civil action may be filed pursuant to 70-30-202"

12. Page 3, line 10 through line 19.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

13. Page 3, line 21.

Strike: the first "is"

Insert: "and relocation costs are"

14. Page 3, line 22.

Strike: "approved" through "property"

Insert: "amount of the condemnor's final written offer"

15. Page 4, line 3.

Following: "property."

Insert: "If condemnation is initiated pursuant to 70-30-202, the amount of the condemnor's final written offer must be deposited with the court for the use of the condemnee."

16. Page 4.

Following: line 12

Insert: "NEW SECTION. Section 6. Taxation of property acquired for electric transmission lines. (1) If an electric transmission line that requires a certificate of compliance under the Montana Major Facility Siting Act, Title 75, chapter 20, is sited on privately held deeded real property that is acquired through a voluntary agreement with the property owner, the centrally assessed value for that portion of the privately held deeded real property is subject to the tax rate of either 1 percentage point less than the rate for class fourteen property, as provided in 15-6-157, for renewable energy projects, or 1 percentage point less than the tax rate for class nine property, as provided in 15-6-141, for other transmission projects, as determined by the department of environmental quality pursuant to 15-6-157(2)(a).

(2) If an electric transmission line that requires a certificate of compliance under the Montana Major Facility Siting Act is sited on privately held deeded real property that is acquired by a civil action pursuant to 70-30-202, that property is subject to a tax rate that is 3 percentage points higher than the tax rate for class nine property, as provided in 15-6-141.

(3) If an entity reaches voluntary property agreements with 97% of the landowners owning property acquired for the transmission line, the entity is entitled to

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the lowest property tax rate for transmission projects provided by law."

Renumber: subsequent sections

17. Page 4, line 14.

Following: "instruction."

Insert: "(1)"

Strike: "4"

Insert: "5"

18. Page 4, line 15.

Strike: "4"

Insert: "5"

19. Page 4.

Following: line 15

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 15, chapter 24, and the provisions of Title 15, chapter 24, apply to [section 6]."

And, as amended, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Title, line 5.

Following: "REQUIRING"

Insert: "CERTAIN"

2. Page 2, line 7.

Following: "employer"

Insert: "employing eight or more employees"

And, as amended, do pass. Report adopted.

HB 448, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/15/2011

HB 338, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "white"

Insert: "white"

2. Page 1, line 18.

Following: ";

Insert: "provide the names of the parties to the conveyance on the first or second page of any document with more than one page;"

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3. Page 1, line 19.

Following: "(e)"

Insert: "(c)"

Renumber: subsequent subsections

4. Page 1, line 21.

Following: ";

Insert: "except as provided in subsection (1)(f) and except for page numbers, initials, or other designations,"

5. Page 1, line 25.

Following: "page;"

Strike: "and"

6. Page 1, line 26.

Following: "and"

Insert: "; and"

7. Page 1, line 29.

Following: "information"

Insert: "(f) include the name and mailing address of the person to whom the document is to be returned in the upper left-hand corner of the first page between the 1/2-inch side margins of each document submitted and may include legibly printed or typed transactional information"

And, as amended, do pass. Report adopted.

HB 346, do pass. Report adopted.

HB 366, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "20%"

Insert: "40%"

2. Page 3, line 11.

Strike: "20%"

Insert: "40%"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/15/2011

HB 54, introduced by Vance

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HB 89, introduced by Ingraham

Senate bills passed and transmitted to the House for concurrence:

2/15/2011

SB 58, introduced by Moss

SB 185, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

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

HB 567, introduced by Reichner, referred to Taxation.

HB 568, introduced by Wagner, referred to Natural Resources.

HB 569, introduced by Stahl, referred to Taxation.

HB 570, introduced by Stahl, referred to Judiciary.

HB 571, introduced by Cuffe, referred to Federal Relations, Energy, and Telecommunications.

HB 572, introduced by Ankney, referred to Business and Labor.

HB 573, introduced by Hunter, referred to Human Services.

HB 575, introduced by Hansen, referred to Local Government.

HB 576, introduced by Harris, Warburton, referred to Fish, Wildlife and Parks.

HB 577, introduced by Stahl, referred to Taxation.

HB 578, introduced by Reinhart, Furey, K. Williams, McNally, Price, Schmidt, Boland, McChesney, Pease-Lopez, Malek, referred to State Administration.

HB 579, introduced by Reinhart, Swanson, Squires, Furey, MacDonald, K. Williams, Price, Malek, B. Bennett, Mehlhoff, Phillips, Hands, McClafferty, Sesso, Sands, Di. Barrett, Pease-Lopez, Noonan, Court, referred to Transportation.

HB 580, introduced by K. Williams, Wilmer, Furey, Malek, Hunter, MacDonald, Boland, McNally, Schmidt, Price, McChesney, Menahan, Noonan, B. Bennett, Swanson, Sands, Pease-Lopez, referred to State Administration.

HB 581, introduced by McNally, referred to Federal Relations, Energy, and Telecommunications.

HB 582, introduced by Esp, referred to Education.

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

HJR 16, introduced by MacDonald, C. Williams, referred to Business and Labor.

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 86 passed as follows:

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

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

Total 93

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

Total 6

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 206 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, 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 67

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

Total 31

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

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HB 237 passed as follows:

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

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Hale, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Pease-Lopez, Price, Reinhart, Sands, Sesso, Williams, Wilmer, Yates.

Total 21

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

HB 264 passed as follows:

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

Total 93

Nays: Berry, Blasdel, Fitzpatrick, McGillvray, Peterson.

Total 5

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

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HB 265 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Regier, Reinhart, Rosendale, Salomon, Sands, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates.
Total 78

Nays: Arntzen, G. Bennett, Berry, Burnett, Fitzpatrick, Howard, Kennedy, Kerns, Klock, Knox, McGillvray, More, Phillips, Read, Reichner, Roberts, Skattum, Welborn, Wilmer, Mr. Speaker.
Total 20

Excused: Evans.
Total 1

Absent or not voting: Schmidt.
Total 1

HB 295 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, 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, 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: Evans.
Total 1

Absent or not voting: Schmidt.
Total 1

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HB 318 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, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

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

Total 31

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 379 passed as follows:

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

Total 83

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

Total 16

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

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**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 Sesso in the chair.

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

HB 70 - Representative Menahan moved **HB 70** do pass. Motion carried as follows:

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

Total 95

Nays: Esp, Hale, Kerns, More, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 - Representative Vance moved **HB 100** do pass. Motion carried as follows:

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

Total 67

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

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

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 25 - Representative Roberts moved **HB 25** do pass. Motion carried as follows:

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

Total 84

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Flynn, Howard, Kennedy, Kerns, Miller, More, Randall, Skattum, Skees, C. Smith.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Salomon moved **HB 133** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Salomon, Sands, Schmidt, C. Smith, F. Smith, Stahl, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer.

Total 59

Nays: Arntzen, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Evans,

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Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knudsen, Loney, McClafferty, Miller, More, Noonan, O'Neil, Peterson, Reichner, Rosendale, Sesso, Skattum, Skees, Small, Squires, Vance, Warburton, Welborn, Yates, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 228 - Representative Rosendale moved **HB 228** do pass. Motion **failed** as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, 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 50

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 331 - Representative Howard moved **HB 331** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cook, Court, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Belcourt, G. Bennett, Boland, Brodehl, Burnett, Cuffe, Driscoll, Edmunds, Hands,

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Kennedy, Kerns, Loney, MacDonald, Malek, Miller, More, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Schmidt, Skattum, Skees, Small, Wagner, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 361 - Representative Washburn moved **HB 361** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, 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, B. Bennett, Boland, Brodehl, Burnett, Court, Driscoll, Ehli, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McClafferty, McNally, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

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 Sesso 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, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read,

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Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: B. Bennett, Boland, Gibson, Hale, Malek, Noonan, Pease-Lopez, Phillips, F. Smith, Squires, Wagner.

Total 11

Excused: Evans.

Total 1

Absent or not voting: Hoven.

Total 1

House Recessed at 3:00 p.m.

House Reconvened at 5:04 p.m.

Roll Call. All members present, except Representatives Furey and O'Neil, excused. Quorum present.

**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 Sesso in the chair.

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

HB 293 - Representative Connell moved **HB 293** do pass. Motion carried as follows:

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

Total 86

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Nays: Edmunds, Hansen, Hendrick, Kerns, Knox, McNiven, More, Regier, Skattum, Skees, Vance, Wagner.

Total 12

Excused: O'Neil.

Total 1

Absent or not voting: B. Beck.

Total 1

HB 330 - Representative B. Bennett moved **HB 330** do pass. Motion carried as follows:

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

Total 89

Nays: Edmunds, Hale, Kerns, Roberts, Salomon, Skattum, Wagner, Warburton, Washburn.

Total 9

Excused: None.

Total 0

Absent or not voting: Brodehl, Peterson.

Total 2

HB 411 - Representative Wilmer moved **HB 411** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Court, Driscoll, Evans, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: Blasdel, Blyton, Burnett, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Greef, Hale, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McNiven, More, O'Neil, Peterson, Randall, Regier,

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Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

HB 422 - Representative Hale moved **HB 422** do pass. Motion carried as follows:

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

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 - Representative Hoven moved **HB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, 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. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Gibson, Howard.
Total 2

HB 79 - Representative Evans moved **HB 79** do pass. 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, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, 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, 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: Burnett, Hale, Kennedy, Kerns, More, Read.
Total 6

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

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

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

Nays: None.
Total 0

Excused: Furey.
Total 1

Absent or not voting: Cook, Court.
Total 2

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Vance, Chairman): 2/16/2011
HB 523, do pass. Report adopted.
HJR 15, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 583, introduced by Regier, Olson, referred to Judiciary.
HB 584, introduced by Mehlhoff, F. Smith, Hiner, Hendrick, Malek, Miller, Read, Boland, McClafferty, Belcourt, O'Hara, Ankney, Kary, Hollandsworth, McChesney, Edmunds, referred to Transportation.
HB 585, introduced by G. Bennett, Hansen, Warburton, Taylor, referred to State Administration.
HB 586, introduced by Court, referred to Natural Resources.
HB 587, introduced by McNutt, referred to Appropriations.
HB 588, introduced by Cuffe, referred to Transportation.
HB 589, introduced by Cuffe, referred to Transportation.

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

HJR 17, introduced by Stahl, referred to Transportation.

MOTIONS

Representative Phillips moved **HB 482** be moved from the Agriculture committee to the Fish, Wildlife and Parks committee.

Representative McGillvray moved **HB 331** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

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Representative McGillvray moved **HB 411** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 12:30 p.m., Thursday, February 17, 2011. Motion carried.

House adjourned at 5:26 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House