HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana House Chambers
April 6, 2011
00:13:56
00:15:59 State Capitol

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

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

00:00:04 Insert time, wee ha

00:00:20
00:04:17

Rep. Gerald (jerry) Bennett, HD 1, Libby; Rep. Clarena Brockie, HD 32, ; Rep. Rob Cook, HD 27, Conrad; Rep. Amanda Curtis, HD 76, ; Rep. Clayton Fiscus, HD 46,

Rep. Gerald (jerry) Bennett, HD 1, Libby, Rep. Clarena Brockie, HD 32, , Rep. Rob Cook, HD 27, Conrad, Rep. Amanda Curtis, HD 76, , Rep. Clayton Fiscus, HD 46, , Rep. Kelly Flynn, HD 68, Townsend

Rep. Bennett, Rep. Brockie, Rep. Cook, Rep. Curtis, Rep. Fiscus, Rep. Flynn

Rep. Bennett
Rep. Brockie
Rep. Cook
Rep. Curtis
Rep. Fiscus
Rep. Flynn

Roll Call. All members present, except Representatives Bennett, Brockie, Cook, and Curtis, excused. Quorum present.

Start Votes

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

Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

End Votes

BILLS (O'Hara, Chairman): 4/6/2011

Correctly printed: **HJR 28**, **HJR 29**, **SB 81**, **SB 143**, **SB 303**, **SB 343**, **SB 358**, **SB 421**, **SJR 17**.
Correctly engrossed: **SB 166**, **SB 187**, **SB 195**, **SB 207**, **SB 267**, **SB 268**, **SB 283**, **SB 295**, **SB 348**, **SB 371**, **SB 372**, **SB 379**.
Correctly enrolled: **HB 12**, **HB 69**, **HB 107**, **HB 125**, **HB 216**, **HB 295**, **HB 310**, **HB 336**, **HB 469**, **HB 522**, **HB 541**, **HB 552**, **HB 584**.
Examined by the sponsor and found to be correct: **HB 59**, **HB 95**, **HB 178**, **HB 213**, **HB 541**.
Signed by the Speaker at 4:35 p.m., April 6, 2011: **HB 59**, **HB 61**, **HB 95**, **HB 103**, **HB 178**, **HB 191**, **HB 213**, **HB 251**, **HB 288**, **HB 300**, **HB 352**, **HB 380**, **HB 529**, **HB 535**.
Signed by the Chief Clerk of the House at 4:30 p.m., April 6, 2011: **HB 59**, **HB 61**, **HB 95**, **HB 103**, **HB 178**, **HB 191**, **HB 213**, **HB 251**, **HB 288**, **HB 300**, **HB 352**, **HB 380**, **HB 529**, **HB 535**.
Delivered to the Governor for approval at 9:05 a.m., April 6, 2011: **HB 180**, **HB 195**, **HB 272**, **HB 330**, **HB 339**, **HB 416**, **HB 464**, **HB 491**, **HB 542**, **HB 575**.
Delivered to the Governor for approval at 9:30 a.m., April 6, 2011: **HB 161**.

Representative Hollenbaugh introduced the Musikanten Montana, a choral group, from Helena, Montana who performed for the House of Representatives.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 3 p.m., Thursday, November 8, 2012. Motion carried.

House adjourned at 44 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

SPECIAL ORDERS OF THE DAY

UNFINISHED BUSINESS

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 4/5/2011
HJR 28, do pass. Report adopted.
HJR 29, do pass. Report adopted.
SB 143, be concurred in. Report adopted.
SB 207, be amended as follows:

1. Page 7, line 12.
Insert: "COORDINATION SECTION. **Section 11. Name change -- directions to code commissioner.** The code commissioner is directed to change the phrase "wild buffalo or bison" to "wild buffalo or wild bison" wherever the phrase appears in legislation enacted by the 2011 legislature if the legislation amends Title 81 or creates new sections that are codified in Title 81."
Renumber: subsequent section

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

SB 343, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman): 4/5/2011
SB 187, be amended as follows:

1. Title, line 8.
Strike: "46-18-251,"
Insert: "46-8-114,"

2. Page 1, line 17.
Strike: "seven"
Insert: "11"

3. Page 1, line 18.
Strike: "the chief justice of"

4. Page 1, line 21.
Following: "~~defender;~~"
Insert: "as follows:
(i) one attorney experienced in the defense of felonies who has served a minimum of 1 year as a full-time public defender;
(ii)"

5. Page 1, line 22.
Strike: "of whom must be"
Insert: "attorney"

6. Page 1.
Following: line 24
Insert: "(iii) one attorney who represents criminal defense lawyers;"

7. Page 1, line 27.
Strike: "."
Insert: ";"

8. Page 2, line 7 through line 8.
Strike: subsection (3) in its entirety
Insert: "(d) one person who is a member of an organization that advocates on behalf of indigent persons;
(e) one person who is a member of an organization that advocates on behalf of a racial minority population in Montana;
(f) one person who is a member of an organization that advocates on behalf of people with mental illness and developmental disabilities; and
(g) one person who is employed by an organization that provides addictive behavior counseling.
(3) A person appointed to the commission must have significant experience in the defense of criminal or other cases subject to the provisions of Title 47, chapter 1, or must have demonstrated a strong commitment to quality representation of indigent defendants."

9. Page 2, line 12.

Following: "(6)"
Insert: "(a)"

10. Page 2, line 14.
Strike: "(a)"
Insert: "(i)"
Following: "commission"
Insert: "subject to subsection (6)(b)"

11. Page 2, line 18.
Strike: "(b)"
Insert: "(ii)"

12. Page 2, line 20.
Strike: "(6)(b)"
Insert: "(6)(a)(ii)"

13. Page 2.
Following: line 22
Insert: "(b) New staff positions for the commission may be added only when the public defender account established pursuant to 47-1-110 has received sufficient revenue pursuant to 46-18-113(1)(a) and (1)(b) to maintain a balance in the account that would sustain any staff position approved by the commission for at least 1 year."

14. Page 3, line 19 through page 8, line 3.
Strike: sections 3 and 4 in their entirety
Insert: "Section 3. Section 46-8-113, MCA, is amended to read:

"46-8-113. Payment by defendant for assigned counsel -- costs to be filed with court. (1) As part of or as a condition under a sentence imposed under the provisions of this title, the court shall, by including the costs of counsel in the court's judgment, require a convicted defendant to pay the costs of counsel assigned to represent the defendant as follows, except as provided in subsections (2) and (3):

(a) in every misdemeanor case, ~~$150~~ $250; and

(b) in every felony case, ~~$500~~ $800.

(2) Costs must be limited to costs incurred by the office of state public defender, provided for in 47-1-201, for providing the defendant with counsel in the criminal proceeding. If the criminal proceeding includes a jury trial or a justice's court trial, ~~counsel assigned by~~ the office of state public defender shall file with the court a statement of the hours spent on the case and the costs and expenses incurred ~~and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement~~. In any proceeding for the determination of whether a defendant is or will be able to pay the costs of counsel, the court shall question the defendant as to the defendant's ability to pay those costs and shall inform the defendant that purposely false or misleading statements by the defendant may result in criminal charges against the defendant.

(3) The court may not sentence a defendant to pay the costs for assigned counsel unless

the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take into account the hours spent on the case and the costs and expenses incurred, the financial resources of the defendant, and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs may at any time petition the court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.""

Insert: "Section 4. Section 46-8-114, MCA, is amended to read:

"46-8-114. Time and method of payment. When a defendant is sentenced to pay the costs of assigned counsel pursuant to 46-8-113, the court may order payment to be made within a specified period of time or in specified installments. Payments must be made to the ~~office of state public defender, provided for in 47-1-201,~~ clerk of the sentencing court for allocation as provided in 46-18-201, 46-18-232, and 46-18-251 and deposited in the account established in 47-1-110.""

15. Page 10, line 6.
Strike: "offices"
Insert: "office"
Strike: "and deputy public defender"

16. Page 12, line 2.
Following: line 2
Insert: "(a) act as secretary to the commission and provide administrative staff support to the commission until the commission can hire its staff as provided in 2-15-1028(6)(b);"
Renumber: subsequent subsections

17. Page 13, line 13.
Strike: "(1)(e)"
Insert: "(1)(f)"

18. Page 14, line 7.
Strike: "(1)(e)"
Insert: "(1)(f)"

19. Page 14, line 14.
Strike: "and"

20. Page 14.
Following: line 15
Insert: "(h) maintain a minimum client caseload as determined by the chief public defender; and"
Renumber: subsequent subsection

21. Page 15, line 23.
Strike: "an annual"

Insert: "a biennial"

22. Page 16, line 4 through line 11.
Strike: section 13 in its entirety
Renumber: subsequent sections

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

SB 421, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 4/5/2011
SB 283, be amended as follows:

1. Title, line 16.
Following: "7-2-2412,"
Insert: "7-4-2631, 7-4-2632, 7-4-2637,"

2. Page 3, line 17.
Following: "**petition --**"
Insert: "**public hearing --**"

3. Page 3, line 19.
Following: "shall"
Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another. After the public hearing, the boards of county commissioners shall"

4. Page 3, line 21 through line 25.
Strike: subsection (2) in its entirety
Insert: "(2) An interlocal agreement must be entered into by the adjoining counties and must state:

(a) the proposed boundary change as accepted or amended by the boards, including the legal description of the proposed boundary change;

(b) the procedure each board intends to follow in complying with [sections 1 through 9];

(c) subject to subsection (4), the costs to be incurred by each county in complying with [section 7]; and

(d) any other elements to which the boards agree regarding provision of services or county operations upon the relocation of the boundary."

5. Page 3.
Following: line 28
Insert: "(4) The adjoining counties shall negotiate the fees to be charged for compliance with [section 7], and the provisions of 7-2-2412, 7-4-2631, 7-4-2632, and 7-4-2637 regarding fees charged by county clerks do not apply to the processes required in [section 7]."

6. Page 4, line 2.

Following: "shall"
Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another in order to accept comment on the proposed cost of compliance with [section 7] as stated in the interlocal agreement pursuant to [section 3(2)]. After the public hearing, the boards of county commissioners shall"

7. Page 8, line 2.
Strike: "The"
Insert: "Except as provided in [section 3(4)], the"

8. Page 8.
Following: line 9
Insert: "Section 15. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in [section 3(4)], 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, $6;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, $3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, $5;

(d) for filing of subdivision and townsite plats, $5 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(e) for filing certificates of surveys and amendments thereto, $5 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, $2;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, $3;

(l) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, $2;

(m) for each certified copy of a birth certificate, $5, and for each certified copy of a death

certificate, $3;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.""

Insert: "Section 16. Section 7-4-2632, MCA, is amended to read:

"7-4-2632. Fee when recording done by mechanical means. ~~Whenever~~ Except as provided in [section 3(4)], whenever recording is done by a photographic or similar process, the county clerk and recorder shall charge $7 for each page or fraction of a page of the instrument for recording.""

Insert: "Section 17. Section 7-4-2637, MCA, is amended to read:

"7-4-2637. Fees for recording standard documents. (1) Except as provided in [section 3(4)], 7-4-2631, and subsection (2) of this section, the fee for recording a standard document that meets the requirements of 7-4-2636 is $7 for each page or fraction of a page.

(2) ~~The~~ Except as provided in [section 3(4)], the fee for recording a document that does not meet the requirements of 7-4-2636 is $11 for each page or fraction of a page for the first five pages or fractions of the pages and $7 for each subsequent page.

(3) (a) Of the fees collected under subsection (1):

(i) $1 must be deposited in the records preservation fund, provided for in 7-4-2635;

(ii) 25 cents must be deposited in the county land information account provided for in 7-6-2230;

(iii) 75 cents must be transmitted each month to the department of revenue in the manner prescribed by the department of revenue for deposit in the Montana land information account created in 90-1-409; and

(iv) the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each $7 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining $4 of each $11 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each $4 amount from an $11 charge for a page or a fraction of a page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve documents.""

Renumber: subsequent sections

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

SB 303, be concurred in. Report adopted.

SB 379, be amended as follows:

1. Title, line 11.

Following: "~~LAWS;~~"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

2. Page 1, line 21.
Following: "property"
Insert: "; and

WHEREAS, the government should establish through public record whether there may be a diminution in value of affected property from proposed zoning regulations, districts, and amendments and whether the expected benefits are proportional to the probable impacts; and

WHEREAS, the government should consider alternatives or modifications when alternatives or modifications would mitigate adverse economic impacts and unreasonable limitations on affected property; and

WHEREAS, the government should rely on credible evidence established through the public record to support the proposed zoning regulations, districts, and amendments as a means to protect the public health, safety, morals, and general welfare"

3. Page 1, line 25.
Following: "2,"
Insert: "and"
Following: "9"
Strike: ", 11, and 12"

4. Page 2, line 6.
Following: "2,"
Insert: "and"
Following: "9"
Strike: ", 11, and 12"

5. Page 2, line 8.
Following: "Affected"
Insert: "real"

6. Page 2, line 11.
Following: "Affected"
Insert: "real"
Following: "affected"
Insert: "real"

7. Page 2.
Following: line 13
Insert: "(3) (a) "Fair market value" means the price that would be agreed to by a willing and informed seller and buyer, taking into consideration the highest and best reasonably available use of the property, the value of that use, and any other relevant factors for which evidence is offered.

(b) Current use may not be presumed to be the highest and best use."
Renumber: subsequent subsections

8. Page 2, line 15.

Following: "affected"
Insert: "real"

9. Page 2, line 16.
Strike: "25%"
Insert: "40%"
Following: "affected"
Insert: "real"

10. Page 2, line 22.
Strike: "interest or convenience"
Insert: "health, safety, morals, or general welfare"

11. Page 3, line 20.
Strike: "once" through "county"
Insert: "in accordance with 7-1-2121"

12. Page 3, line 24.
Following: "proper"
Insert: "based upon the public comment and the record"

13. Page 3, line 27.
Strike: "once" through "county"
Insert: "in accordance with 7-1-2121"

14. Page 4, line 3.
Strike: "60"
Insert: "45"

15. Page 4, line 5.
Following: "affected"
Insert: "real"

16. Page 4, line 7.
Strike: "60"
Insert: "45"

17. Page 4, line 8.
Following: "affected"
Insert: "real"

18. Page 4, line 16.
Following: "unanimous"
Insert: "affirmative"
Strike: "whenever a county has"

Insert: "in counties with"

19. Page 4, line 17.
Following: "(ii)"
Strike: "a"
Insert: "an affirmative"
Following: "vote of"
Insert: "at least"
Strike: "elected"
Insert: "county"
Strike: "whenever a county has"
Insert: "in counties with"

20. Page 4, line 18.
Following: "(iii)"
Insert: "an affirmative vote of at least"
Strike: "elected"
Insert: "county"
Strike: "whenever a county has"
Insert: "in counties with"

21. Page 4, line 19.
Following: "exists"
Insert: "as determined by the county attorney"

22. Page 4, line 21.
Following: "affected"
Insert: "real"

23. Page 4, line 29.
Following: "affected"
Insert: "real"

24. Page 5, line 3.
Following: "submit"
Insert: "relevant"

25. Page 5, line 4.
Strike: "property"
Insert: "fair market"
Following: "value of"
Strike: "a"
Insert: "the property of"

26. Page 5, line 5.
Strike: "landowner"
Insert: "landowners"

27. Page 5, line 6.
Following: "by"
Strike: "a"

28. Page 5, line 10.
Following: "deprives"
Strike: "a"
Strike: "landowner"
Insert: "landowners"

29. Page 5, line 11.
Strike: "landowner's"
Insert: "landowners'"

30. Page 5, line 16.
Following: "If"
Strike: "a"
Insert: "the"
Strike: "landowner submits"
Insert: "landowners submit"

31. Page 5, line 17.
Following: "diminution in"
Insert: "the aggregate"
Following: "value of"
Insert: "all of"
Strike: "landowner's"
Insert: "landowners' affected real"

32. Page 5, lines 21 and 22.
Following: "diminution in" on line 21
Insert: "the aggregate"
Strike: "each" on line 21
Insert: "all of the protesting landowners' affected real"
Strike: "owned" on line 21 through "landowner" on line 22

33. Page 5, line 23 through line 25.
Strike: subsection (4) in its entirety

34. Page 5, line 30 through page 6, line 4.

Strike: "," on page 5, line 30 through "landowner" on page 6, line 4
Insert: "regarding alternatives to the proposed zoning action or mitigating modifications to the proposed zoning action"

35. Page 6, line 7.
Strike: "less restrictive mean exists"
Insert: "alternatives or mitigating modifications may be implemented"

36. Page 6, line 8.
Strike: "may not adopt"
Insert: "shall modify"
Following: "action"
Insert: "to incorporate the alternatives or mitigating modifications"

37. Page 6, line 26.
Strike: "once" through "county"
Insert: "in accordance with 7-1-2121"

38. Page 6, line 27.
Strike: "delivered via first class mail"
Insert: "mailed pursuant to 7-1-2122"
Following: "each"
Insert: "owner of"
Following: "affected"
Insert: "real"
Following: "property"
Strike: "owner"

39. Page 6, line 29 through page 7, line 12.
Strike: "The" on page 6, line 29 through "welfare." on page 7, line 12

40. Page 7, lines 14 and 15.
Following: "76-2-110" on line 14
Insert: "or in 76-2-227"
Following: "date the" on line 14
Strike: "real" on line 14 through "property" on line 15
Following: "findings" on line 15
Insert: "mailed pursuant to 7-1-2122"

41. Page 8, line 27 through page 9, line 24.
Strike: sections 11 through 13 in their entirety
Insert: "NEW SECTION. **Section 11. Codification instruction.** [Sections 1, 2, and 4 through 9] are intended to be codified as an integral part of:

(1) Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [sections 1, 2, and 4 through 9]; and

(2) Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [sections 1, 2, and 4 through 9]."

Insert: "NEW SECTION. **Section 12. Contingent effective date.** [This act] becomes effective on the date that the clerk of the Montana supreme court notifies the code commissioner that the Montana supreme court has declared the protest provisions of 76-2-101 or 76-2-205 to be unconstitutional."

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

MESSAGES FROM THE SENATE

Senate joint resolutions passed and transmitted to the House for concurrence: 4/5/2011

SJR 18, introduced by Gillan
SJR 20, introduced by Wittich

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

4/5/2011

HB 106, introduced by Lavin

HB 47 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 47:**

4/5/2011

Senator Balyeat, Chair
Senator Facey
Senator Hinkle

HB 42 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 42:**

4/5/2011

Senator Ripley, Chair
Senator Keane
Senator Olson

HB 29 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 29:**

4/5/2011

Senator Balyeat, Chair
Senator Facey
Senator Moore

HB 271 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 271:**

4/5/2011

Senator Shockley, Chair
Senator Hinkle
Senator Larsen

SB 97 - The Senate failed to concur in House amendments to **SB 97,** authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 97:**

4/5/2011

Senator Essmann, Chair
Senator Blewett
Senator Shockley

SB 153 - The Senate failed to concur in House amendments to **SB 153,** authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 153:**

4/5/2011

Senator Hutton, Chair
Senator Jent
Senator Shockley

House amendments to Senate bills NOT concurred in: 4/5/2011

SB 156, introduced by Windy Boy
SB 221, introduced by Gillan

FIRST READING AND COMMITMENT OF BILLS

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

HJR 33, introduced by MacLaren, McGillvray, Milburn, J. Peterson, Tutvedt, referred to Business and Labor.
HJR 34, introduced by Hendrick, referred to State Administration.

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

SJR 18, introduced by Gillan, referred to Human Services.
SJR 19, introduced by Caferro, Kaufmann, MacDonald, Wanzenried, Augare, O'Hara, Reinhart,

Ankney, Read, Welborn, Furey, Hands, K. Williams, referred to Education.
SJR 20, introduced by Wittich, referred to Human Services.

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:

SB 87 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 77

Nays: G. Bennett, Burnett, Edmunds, Esp, Flynn, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Read, Regier, Skattum, Skees, C. Smith, Stahl, Wagner.
Total 20

Excused: Evans.
Total 1

Absent or not voting: McNiven, Osmundson.
Total 2

SB 99 concurred in 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, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Wagner.
Total 1

Excused: Evans.
Total 1

Absent or not voting: McNiven, Osmundson.
Total 2

SB 110 concurred in 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, 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: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

SB 166 concurred in 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, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Evans.
Total 1

Absent or not voting: Osmundson, Stahl.
Total 2

SB 195 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, 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, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Blasdel, Burnett, Edmunds, Kennedy, Kerns, Knox, Miller, O'Neil, Skattum.
Total 9

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

SB 385 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt,

Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 62

Nays: G. Bennett, Berry, Brodehl, Burnett, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, Miller, More, O'Neil,

Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn.
Total 36

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

SJR 8 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 55

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Gibson, Greef, Hale, Hansen, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Warburton, Washburn.
Total 43

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

HB 166 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, 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: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

HB 277 passed 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, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: B. Beck, G. Bennett, Kennedy, Knox, Loney, McNiven, Miller, O'Neil, Randall, Roberts, Skattum, C. Smith, Welborn.
Total 13

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

HB 291 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 77

Nays: G. Bennett, Brodehl, Connell, Flynn, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, O'Neil, Read, Regier, Skattum, Skees, C. Smith, Vance.

Total 21

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

HB 538 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, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, 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 91

Nays: Hale, Kennedy, Kerns, Knox, Skattum, Skees, C. Smith.
Total 7

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

HB 548 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, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Hale, Hendrick, Kerns, Knox, Skees, Wagner.
Total 6

Excused: Evans.
Total 1

Absent or not voting: Osmundson.
Total 1

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 Cook in the chair.

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

SB 267 - Representative G. Bennett moved **SB 267** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Osmundson.
Total 1

SB 415 - Representative Stahl moved **SB 415** be concurred in. 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, 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, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 261 - Representative K. Peterson moved **SB 261** be concurred in. Motion **failed** as follows:

Yeas: Bangerter, G. Bennett, Berry, Blasdel, Blyton, Clark, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Hale, Harris, Hendrick, Howard, Ingraham, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Wagner, Warburton, Wilmer, Mr. Speaker.
Total 42

Nays: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Yates.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 268 - Representative Hansen moved **SB 268** be concurred in.

SB 268 - Representative MacDonald moved **SB 268**, second reading copy, be amended as follows:

1. Title, line 7.
Strike: "A SPECIAL"
Insert: "THE GENERAL"
Strike: "CONCURRENTLY WITH THE 2012 PRIMARY ELECTION"
Insert: "IN NOVEMBER 2012"

2. Page 3, line 3 through line 4.
Strike: subsection (3) in its entirety

3. Page 3, line 19.
Strike: "a special"
Insert: "the general"
Strike: "concurrently with the primary election held in the spring of"
Insert: "in November"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, 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

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 268 - Representative Sesso moved **SB 268**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "ELECTION;" on line 7
Insert: "PROVIDING AN APPROPRIATION;"
Strike: "AN IMMEDIATE"

Strike: "DATE"
Insert: "DATES"

2. Page 3, line 4.
Insert: "NEW SECTION. **Section 5. Appropriation.** There is appropriated $129,300 to the secretary of state from the general fund for fiscal year 2012 for the purpose of reimbursing counties for the costs of mailing voter information pamphlets."
Renumber: subsequent sections

3. Page 3, line 13.
Strike: "date"
Insert: "dates"
Strike: "[This"
Insert: "(1) Except as provided in subsection (2), [this"

4. Page 3, line 14.
Insert: "(2) [Section 5] is effective July 1, 2011."

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 38

Nays: 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, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 61

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 268 - Representative MacDonald moved **SB 268**, second reading copy, be amended as follows:

1. Page 3, line 21 through line 22.
Strike: "with approximately equal populations"

Insert: "and allowing citizens to vote for only one of seven supreme court justices"

2. Page 3, line 23 through line 24.
Strike: "with approximately equal populations"
Insert: "and allowing citizens to vote for only one of seven supreme court justices"

Amendment **not** adopted as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, 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 34

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, 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, 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

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 268 - Representative Hansen moved **SB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, 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, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

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

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

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Driscoll, 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, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 31

Excused: Evans, Osmundson.
Total 2

Absent or not voting: Connell, McChesney.
Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 4/6/2011
SB 81, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman): 4/5/2011
SB 348, be amended as follows:

1. Title, page 1, line 6.
Strike: "AMENDING SECTION 87-5-132, MCA;"

2. Page 2, line 9 through line 20.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 23 through line 24.
Strike: "$3,000" on line 23 through "report" on line 24
Insert: "$800,000 annually"

4. Page 2, line 24 through line 26.
Strike: "Not" on line 24 through "purposes" on line 26
Insert: "For the purposes of this section, wolf management includes but is not limited to"

5. Page 2.
Following: line 27
Insert: "(b) monitoring of wolf packs and wolf populations;"
Renumber: subsequent subsections

6. Page 2, line 28.
Strike: "and"

7. Page 2, line 29.
Following: "livestock"
Insert: ";
(e) work with livestock owners to prevent depredation;
(f) research on wolves and wolf interaction with ungulates; and
(g) administration of wolf hunting seasons"

8. Page 3, line 1 through line 2.
Strike: ", including" on line 1 through "operate" on line 2

9. Page 3, line 4.
Following: "SERVICES"
Insert: "and county governments"
Following: "FOR"
Insert: "some of"

10. Page 3, line 6.
Strike: "[Section 2]"
Insert: "[Section 1]"

11. Page 3, line 7.
Strike: "[section 2]"
Insert: "[section 1]"

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

TAXATION (Blasdel, Chairman): 4/6/2011

SB 358, be concurred in. Report adopted.
SJR 17, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HJR 35, introduced by Wilmer, referred to State Administration.

MOTIONS

Representative McGillvray moved to suspend the rules and accept HB 555 from the Senate.

Motion **failed** 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, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 62

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

Excused: Evans, Osmundson.
Total 2

Absent or not voting: O'Hara.
Total 1

Start Amendments

1. Title, page 1, line 2, through page 3, line 4.

Testing.....

2. Page E-2, line 2 through page 1, line 2.

End Amendments

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:30 a.m., Thursday, April 7, 2011. Motion carried.

House adjourned at 3:01 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House