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SENATE Rules

Exhibit No. 1

Date 4-22-2013

Bill No. Senate Rule 50-220

May 15, 2013

TO: Rules Committee Members

FR: Todd Everts, Rules Committee Staff 

RE: Historical Research on the Constitutional Provisions and Legislative Rules Regarding the Call of a House

Per the Rules Committee's request, attached are the historical documents regarding the call provisions of the 1972 Montana Constitution and Legislative Rules. I have also included the call provision from the 1889 Montana Constitution, but was unable to find any discussion regarding that provision in the 1889 Con Con Notes. Up until 1989, the call legislative rule provisions were in the Joint Rules of the Legislature. I have provided a copy of the 1987 Joint Rules that sets out the rules regarding the call procedures. In 1989, the Senate adopted what is the current rule with respect to call procedures (see attached). I have also included the 1972 Con Con Notes with respect to the constitutional call provision that is in Article V, section 10, of the 1972 Montana Constitution. If you have any questions, do not hesitate to contact me.

## 1972 Montana Constitution:

**Article V, Section 10. Organization and procedure.** (1) Each house shall judge the election and qualifications of its members. It may by law vest in the courts the power to try and determine contested elections. Each house shall choose its officers from among its members, keep a journal, and make rules for its proceedings. Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members.

(2) A majority of each house constitutes a quorum. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) The sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public.

(4) The legislature may establish a legislative council and other interim committees. The legislature shall establish a legislative post-audit committee which shall supervise post-auditing duties provided by law.

(5) Neither house shall, without the consent of the other, adjourn or recess for more than three days or to any place other than that in which the two houses are sitting.

SEC. 8. No member of either house, shall, during the term for which he shall have been elected, receive any increase of salary or mileage under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President, *pro tempore*. The House of Representatives shall elect one of its members Speaker. Each house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members.

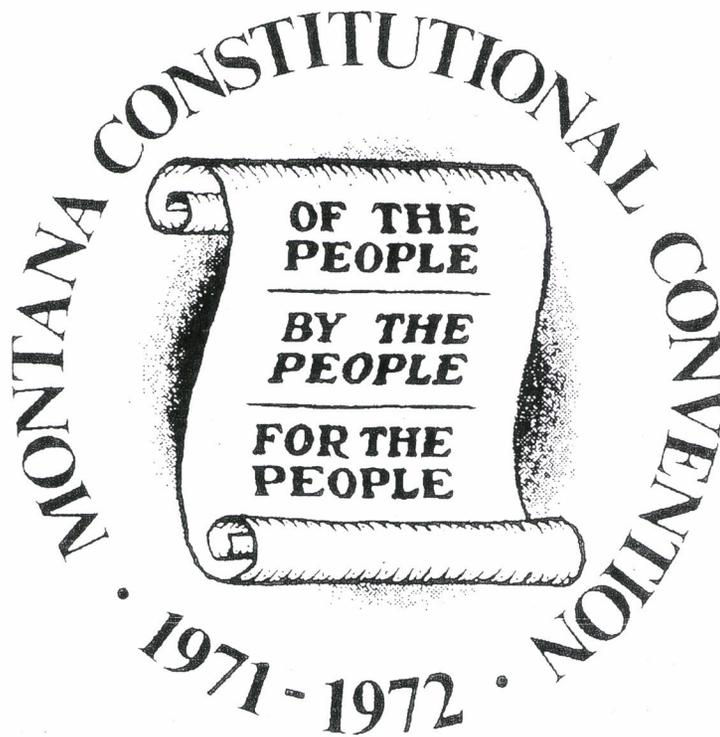
SEC. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribe or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary for the Legislative Assembly of a free State.

A member expelled for corruption shall not thereafter be eligible to either house of the Legislative Assembly; and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question, shall, at the request of any two members, be entered on the journal.

SEC. 13. The sessions of each house and of the committees of the whole shall be open unless the business is such as requires <sup>at</sup> secrecy.



Verbatim Transcript

November 29, 1971 — February 19, 1972

Volume III

Furlong ..... Aye  
 Garlington ..... Aye  
 Gysler ..... Aye  
 Habedank ..... Aye  
 Hanson, R.S. .... Aye  
 Hanson, R. .... Aye  
 Harbaugh ..... Nay  
 Harlow ..... Aye  
 Harper ..... Aye  
 Harrington ..... Nay  
 Heliker ..... Aye  
 Holland ..... Absent  
 Jacobsen ..... Aye  
 James ..... Aye  
 Johnson ..... Aye  
 Joyce ..... Aye  
 Kamhoot ..... Aye  
 Kelleher ..... Aye  
 Leuthold ..... Aye  
 Loendorf ..... Aye  
 Lorello ..... Aye  
 Mahoney ..... Aye  
 Mansfield, ..... Aye  
 Martin ..... Aye  
 McCarvel ..... Aye  
 McDonough ..... Aye  
 McKeon ..... Aye  
 McNeil ..... Absent  
 Melvin ..... Aye  
 Monroe ..... Aye  
 Murray ..... Aye  
 Noble ..... Aye  
 Nutting ..... Aye  
 Payne ..... Aye  
 Pemberton ..... Aye  
 Rebal ..... Aye  
 Reichert ..... Aye  
 Robinson ..... Aye  
 Roeder ..... Aye  
 Rollins ..... Aye  
 Romney ..... Aye  
 Rygg ..... Aye  
 Scanlin ..... Aye  
 Schiltz ..... Aye  
 Siderius ..... Absent  
 Simon ..... Aye  
 Skari ..... Aye  
 Sparks ..... Aye  
 Speer ..... Aye  
 Studer ..... Aye  
 Sullivan ..... Aye  
 Swanberg ..... Aye  
 Toole ..... Aye  
 Van Buskirk ..... Aye  
 Vermillion ..... Aye

Wagner ..... Aye  
 Ward ..... Aye  
 Warden ..... Aye  
 Wilson ..... Aye  
 Woodmansey ..... Aye  
 Mr. Chairman ..... Aye

DELEGATE ESKILDSEN: Mr. Chairman.

CHAIRMAN GRAYBILL: Wait until we've finished the vote. Mr. Eskildsen, for what purpose do you arise?

DELEGATE ESKILDSEN: Eskildsen votes Aye.

CLERK HANSON: Mr. Chairman, 89 delegates voting Aye, 3 voting No.

CHAIRMAN GRAYBILL: Mr. Clerk, do you have Mr. Eskildsen voting?

CLERK HANSON: Yes, sir.

CHAIRMAN GRAYBILL: 89 delegates having voted Aye, and 3 voting No, the section passes. Will the clerk read 10(2)?

CLERK HANSON: "Section 10, subsection 2: A majority of the membership of the legislature constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members." Mr. Chairman, subsection 2.

CHAIRMAN GRAYBILL: Members of the committee, you have before you for your consideration Section 10(2). What is your pleasure? Mrs. Bugbee.

DELEGATE BUGBEE: Mr. President, I move that when this committee does arise and report, after having under consideration Section 10, subsection 2, of the Legislative Committee report, I recommend that the same do pass. Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Bug-bee.

DELEGATE BUGBEE: Yes, sir. Subsection 2 is self-explanatory and is contained in the substance of Section 10, Article V, of the present Constitution. The committee felt this section was quite adequate and kept it substantially the same as in the present Constitution.

CHAIRMAN GRAYBILL: Mr. Berg.

**DELEGATE BERG:** Mr. President, 1 move to delete all of Section 10, subparagraph 2.

**CHAIRMAN GRAYBILL:** Mr. Berg has moved that we delete subsection 2 of Section 10 in its entirety.

Mr. Berg.

**DELEGATE BERG:** It is my purpose in moving this deletion to be more concise, shorter in this Constitution and I believe that the rule-making provisions in subparagraph 1 of Section 10 are more than adequate to take care of the rather rule-making provisions of Section 10, paragraph 2.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, I rise in opposition to the substitute motion of Mr. Berg. I think this provision is very essential to our Constitution. It provides how many members are necessary to constitute a quorum to do business. If we delete this provision, assume 25 members of the Legislative Assembly are present some day. They simply have to change the rule that a quorum is 25 and do business. This is important, I think, so we have at least half the membership present at the time any law is enacted. And of course the second sentence is important and compliments the first. If we're going to require that a majority be present then we have to have a way for a smaller number to get a majority there so they can operate.

**CHAIRMAN GRAYBILL:** Very well, the question is on Mr. Berg's motion that subsection 2 of Section 10 be deleted. That's the subsection that deals with calling for a majority as a quorum and adjourning from day to day. Mr. Berg, do you want to close?

**DELEGATE BERG:** I would like to close. It is my position that this is clearly and simply and only rulemaking authority. In almost any business organization quorums and what constitutes or does not constitute a majority is considered to be a part of the rule of that organization. It is no different with the Legislature, nor with this Convention. We make our rules here within the Convention. It was not necessary for the organization of this Convention that the Enabling Act provide as to what should or should not constitute a quorum. I believe that the Legislature is perfectly competent to do that. I have every confidence that they'll not violate their own rules in that regard,

and I would leave it exclusively to them.

**CHAIRMAN GRAYBILL:** Therefore, the question is on the motion of Mr. Berg to delete subsection 2 of paragraph 10. So many as shall be in favor of the motion, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** So many as are opposed, please say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is in doubt. We'll use the voting machines. So many as are in favor vote Aye, and those opposed vote No. Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** 32 having voted Aye, 59 voting No, the motion fails. We're on the proposition, then, of the majority report subsection 2 of Section 10. Is there other discussion?

(No response)

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you, on the motion of Mrs. Bugbee, that when this committee does arise and report, after having had under consideration Section 10, subsection 2, it recommend the same be adopted. So many as are in favor, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Subsection 2 is adopted.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move the Committee of the Whole stand in recess for 1.5 minutes.

**CHAIRMAN GRAYBILL:** All in favor, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

affecting either house collectively takes precedence over a question of privilege affecting an individual member.

1-8. The presiding officer of each house shall sign all subpoenas approved or issued by the house over which he presides.

1-9. (1) A communication or paper shall be addressed to the presiding officer and shall bear the name of the person submitting it. When the reading of a paper is called for and a member objects, it shall be determined by a vote of the house without debate. This subsection does not apply to bills or to communications from the Governor or the other house.

(2) A paper for or against proposed legislation may not be placed on the desks of the members or circulated within the chamber unless the person responsible has signed it and has received permission from the presiding officer to distribute it in the house concerned.

1-10. When the presiding officer is presiding, he shall vote as any other member and may not vote a second time.

**CHAPTER 2  
Meetings, Quorums, and Attendance**

2-1. The hour of meeting of the Senate and the House of Representatives may be as ordered by the Senate or House.

2-2. Lobbying on the floor of the Senate or the House of Representatives is prohibited during the session and within 1 hour prior to the commencement of a session and within one-half hour after recess or adjournment.

2-3. The sessions of the Legislature and of the Committee of the Whole, all committee meetings, and all hearings shall be open to the public (Montana Constitution, Art. V, Sec. 10(3)).

2-4. Neither house shall, without the consent of the other, adjourn or recess for more than 3 days or to any other place than that in which the two houses shall be sitting (Montana Constitution, Art. V, Sec. 10(5)).

2-5. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe (Montana Constitution, Art. V, Sec. 10(2)).

2-6. Unless he is excused, a member of the House or the Senate shall be present at every sitting of the house of which he is a member.

2-7. In the absence of a quorum, a majority of members present in either house may compel the attendance of absent members by ordering a call of the house of which they are members.

2-8. If a quorum is present, five members of the Senate may order a call of the Senate and fifteen members of the House of Representatives may order a call of the House.

2-9. On a call of either house, a member who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of such members present shall direct. When the attendance of an absent member is secured after a call of either house, if the house of which he is a member refuses to excuse his absence, he shall not be paid any expense payments during his absence and is liable for the expenses incurred in procuring his attendance.

2-10. During a call of either house, all business of that house shall be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

# SENATE RULES 1989

S50-180

## SENATE RULES

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**S50-180. Senate voting.** (1) A roll call vote shall be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators shall be called alphabetically, unless an electronic voting system is used. A Senator may not vote or change his vote after the decision is announced from the chair. A Senator may not explain his vote until after the decision is announced from the chair.

**S50-190. Pairs.** (1) Two Senators may pair on a question that will be determined by a majority vote. On a question requiring a two-thirds vote for adoption, three Senators may pair, with two Senators for the question and one Senator against. Pairing is permitted only when one of the paired Senators is excused when the vote is taken.

(2) An agreement to pair must be in writing and dated and signed by the Senators agreeing to be bound, and must specify the duration of the pair. When an agreement to pair is filed with the Secretary of the Senate, it shall bind the Senators signing until the expiration of time for which it was signed, unless the paired Senators sooner appear and ask that the agreement be canceled.

(3) Pairs in Committee of the Whole are prohibited.

**S50-200. Call of the Senate.** (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

(2) If a quorum is present, five Senators may order a call of the Senate.

(3) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of such Senators present shall direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator shall not be paid any expense payments during his absence and is liable for the expenses incurred in procuring his attendance.

(4) During a call of the Senate, all business shall be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

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## SENATE RULES

### CHAPTER 6 Rules

**S60-10. Senate rules.** (1) A motion to amend or adopt a rule of the Senate shall be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

**S60-20. Mason's Manual of Legislative Procedure.** Mason's Manual of Legislative Procedure (1989) governs the proceedings of the Senate in all cases not covered by these rules.

**S60-30. Quorum.** A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in such manner and under such penalties as the Senate may prescribe (Montana Constitution, Art. V, Sec. 10(2)).

1987

House recessed at 12:00 noon.

House reconvened at 1:05 p.m.

Mr. Speaker in the Chair.

The floor leaders announced party caucuses.

Representative Hannah moved that the House stand in recess until 2:00 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 2:50 p.m.

Mr. Speaker in the Chair.

Representative Poulsen excused at this time.

Representative Moore present at this time.

**MESSAGES FROM THE OTHER HOUSE**

House bills concurred in and returned to the House:

3/30/87

**HB 146**, introduced by Spaeth

**HB 200**, introduced by Miles

**HB 259**, introduced by Winslow

**HB 353**, introduced by Gould

**HB 367**, introduced by Miller

**HB 428**, introduced by Connelly

**HB 453**, introduced by Brandewie

**HB 455**, introduced by Miles

**HB 480**, introduced by Miles

**HB 488**, introduced by Ramirez

**HB 519**, introduced by O'Connell

**HB 571**, introduced by Daily

**HB 614**, introduced by Miller

**HB 619**, introduced by Giacometto

**HB 623**, introduced by Harrington

**HB 647**, introduced by Bulger

**HB 674**, introduced by Mercer

**HB 690**, introduced by Glaser

**HB 708**, introduced by Nelson

**HB 720**, introduced by Spaeth

**HB 725**, introduced by Strizich

**HB 777**, introduced by Ream

**HB 818**, introduced by Nathe

**HB 819**, introduced by Nathe

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/30/87

**HB 73**, introduced by Bradley

**HB 102**, introduced by Grady

**HB 152**, introduced by Bardanouve

**HB 167**, introduced by Gilbert

**HB 179**, introduced by C. Smith

**HB 207**, introduced by Addy

**HB 211**, introduced by Devlin

**HB 219**, introduced by Holliday

**HB 241**, introduced by Spaeth

**HB 283**, introduced by Darko

**HB 284**, introduced by Darko

**HB 286**, introduced by Spaeth

**HB 300**, introduced by Lory

**HB 302**, introduced by Bradley

**HB 309**, introduced by Quilici

**HB 322**, introduced by Eudaily

**HB 325**, introduced by Mercer

**HB 329**, introduced by Ream

**HB 356**, introduced by Harrington

**HB 381**, introduced by Grady

**HB 387**, introduced by Keenan

**HB 393**, introduced by Lory

**HB 400**, introduced by Manuel

**HB 406**, introduced by Grady

**HB 426**, introduced by Campbell

**HB 437**, introduced by Swysgood

**HB 442**, introduced by Mercer

**HB 459**, introduced by Keenan

**HB 462**, introduced by Miles

**HB 470**, introduced by Miles

**HB 478**, introduced by Thomas

**HB 495**, introduced by Corne'

**HB 501**, introduced by Cody

- HB 503, introduced by Bradley  
HB 504, introduced by Kadas  
HB 506, introduced by S. Hansen  
HB 509, introduced by Schye  
HB 530, introduced by Ellison  
HB 534, introduced by Hannah  
HB 554, introduced by Daily  
HB 564, introduced by M. Williams  
HB 567, introduced by Ramirez  
HB 570, introduced by Brandewie  
HB 577, introduced by D. Brown  
HB 592, introduced by Harp  
HB 610, introduced by D. Brown  
HB 611, introduced by D. Brown  
HB 622, introduced by Brandewie  
HB 626, introduced by Fritz  
HB 639, introduced by Corne'  
HB 641, introduced by Menahan  
HB 642, introduced by Spaeth  
HB 648, introduced by Holliday  
HB 670, introduced by Bachini  
HB 697, introduced by Connelly  
HB 718, introduced by Harper  
HB 733, introduced by Quilici  
HB 740, introduced by Cobb  
HB 741, introduced by Harp  
HB 748, introduced by Ramirez  
HB 750, introduced by Gilbert  
HB 772, introduced by Brandewie  
HB 789, introduced by Harper  
HB 806, introduced by Pavlovich  
HB 839, introduced by Sands

#### MOTIONS

Representative Poulsen present at this time.

Representative Hannah moved that HB 2 be placed at the bottom of the second reading board. Motion carried.

Representative Bradley moved that HB 872, the Museum of the Rockies bill, be taken from the table in the Committee on Appropriations and printed and placed on second reading. Motion failed. (41-55)

Representative Ramirez moved that HB 904, the income tax revision bill, be taken from second reading and rereferred to the Committee on Taxation, because that committee had not been allowed to review it. Motion failed. (40-58)

Representative Ramirez moved that HB 904 be taken from second reading and rereferred to the Committee on Rules. Motion failed. (41-58)

Representative Ramirez moved for a Call of the House. About thirty representatives stood up to second the call. The Speaker asked that the Chamber be secured, and asked the Sergeant-at-Arms to locate and send for the missing members, Representatives Poff and Thoft. 

Representative Vincent arose on point of personal privilege, asking whether a motion to remove the call was debatable. The Chair ruled that the motion indeed was debatable.

Representative Vincent asked for a report on the missing members. The Sergeant reported that Representative Poff was having medical tests in Great Falls, and was on his way to Helena. Representative Thoft was driving back from a family emergency in California, and had left Ely, Nevada this morning, expecting to arrive home in Stevensville late tonight.

Representative Poff returned at 4:30 p.m.  

Representative Vincent moved to lift the Call of the House, which requires a two-thirds vote. Motion failed as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Iverson, Kadas, Keenan, Kennerly, Koehnke, Lory, McCormick, Manuel, Menahan, Miles, Miller, Moore, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Strizich, Vincent, Whalen, Williams, Winslow, Mr. Speaker.  
Total 60

Noes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Jenkins, Jones, Keller, Kitselman, Menke, Mercer, Meyers, Nathe, Nelson, Patterson, Peterson, Phillips, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Stratford, Swift, Switzer, Swysgood, Thomas, Wallin.  
Total 39

Excused: Thoft.

Total 1

Absent or not voting: None.

Total 0

House stood at ease at 4:42 p.m. 

House came to order at 9:00 p.m. 

Mr. Speaker in the Chair.

Representative Vincent moved to lift the Call of the House. Motion failed as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Iverson, Kadas, Keenan, Kennerly, Koehnke, Lory, McCormick, Manuel, Menahan, Miles, Miller, Nelson, Nisbet, Pavlovich, Peck, Phillips, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Strizich, Vincent, Whalen, Williams, Winslow, Mr. Speaker.  
Total 60

Noes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Jenkins, Jones, Keller, Kitselman, Menke, Mercer, Meyers, Moore, Nathe, Patterson, Peterson, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Stratford, Swift, Switzer, Swysgood, Thomas, Wallin.  
Total 38

Excused: Thoft.  
Total 1

Absent or not voting: O'Connell.  
Total 1

Representative Vincent suggested that the National Guard be asked to bring cots and blankets.

House stood at ease.

House came to order at 9:55 p.m.

Mr. Speaker in the Chair.

Representative Vincent moved to lift the Call of the House. Representative Mercer made a substitute motion that the House adjourn until 9:00 a.m. the 72nd legislative day, a motion that would require a simple majority. Motion failed as follows:

Ayes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Iverson, Jenkins, Jones, Keller, Kitselman, Lory, Menke, Mercer, Meyers, Nathe, Nelson, Patterson, Peterson, Phillips, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Swift, Switzer, Swysgood, Thomas, Wallin, Mr. Speaker.  
Total 41

Noes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Kadas, Keenan, Kennerly, Koehnke, McCormick, Manuel, Menahan, Miles, Miller, Moore, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Stratford, Strizich, Vincent, Whalen, Williams, Winslow.  
Total 58

Excused: Thoft.  
Total 1

Absent or not voting: None.  
Total 0

The Vincent motion failed as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Iverson, Kadas, Keenan, Kennerly, Koehnke, Lory, McCormick, Manuel, Menahan, Miles, Miller, Moore, Nelson, Nisbet, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Strizich, Swysgood, Vincent, Whalen, Williams, Winslow.  
Total 62

Noes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Jenkins, Jones, Keller, Kitselman, Menke, Mercer, Meyers, Nathe, Patterson, Peterson, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Stratford, Swift, Switzer, Thomas, Wallin.  
Total 36

Excused: Thoft.  
Total 1

Absent or not voting: Mr. Speaker.  
Total 1

House stood at ease.

House came to order at 12:55 a.m.

Mr. Speaker in the Chair.

Representative Vincent moved to lift the Call of the House. Motion failed as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Iverson, Kadas, Keenan, Kennerly, Koehnke, Lory, McCormick, Manuel, Menahan, Miles, Miller, Moore, Nelson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Strizich, Swysgood, Vincent, Whalen, Williams, Winslow, Mr. Speaker.  
Total 62

Noes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Jenkins, Jones, Keller, Kitselman, Menke, Mercer, Meyers, Nathe, Patterson, Peterson, Phillips, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Stratford, Swift, Switzer, Thomas, Wallin.  
Total 37

Excused: Thoft.  
Total 1

Absent or not voting: None.  
Total 0

Representative Mercer moved the House adjourn until 9:00 a.m. the 72nd legislative day. Motion failed as follows:

Ayes: Asay, Campbell, Cobb, Compton, Devlin, Ellison, Giacometto, Gilbert, Gould, Grinde, Hannah, Hanson, Hayne, Hoffman, Iverson, Keller, Kitselman, Lory, Menke, Mercer, Meyers, Nathe, Nelson, Patterson, Peterson, Phillips, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Stratford, Swift, Switzer, Thomas, Wallin. Mr. Speaker.

Total 39

Noes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Driscoll, Eudaily, Fritz, Glaser, Grady, Hansen, Harp, Harper, Harrington, Holliday, Jenkins, Jones, Kadas, Keenan, Kennerly, Koehnke, McCormick, Manuel, Menahan, Miles, Miller, Moore, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Squires, Stang, Strizich, Swysgood, Vincent, Whalen, Williams, Winslow.

Total 60

Excused: Thoft.

Total 1

Absent or not voting: None.

Total 0

House stood at ease.

Representative Vincent asked that the Speaker make sleeping arrangements for the members.

House came to order at 2:00 a.m.

Mr. Speaker in the Chair.

Representative Hannah moved to lift the Call of the House. Motion carried as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Donaldson, Eudaily, Fritz, Glaser, Grady, Hannah, Hansen, Harp, Harper, Harrington, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Kennerly, Koehnke, Lory, McCormick, Manuel, Menahan, Mercer, Meyers, Miles, Miller, Moore, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Phillips, Pistoria, Poff, Poulsen, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Sales, Schye, Simon, Smith, Spaeth, Squires, Stang, Strizich, Swysgood, Vincent, Whalen, Williams, Winslow, Mr. Speaker.

Total 72

Noes: Asay, Campbell, Cobb, Devlin, Driscoll, Ellison, Giacometto, Gilbert, Gould, Grinde, Hanson, Hayne, Keller, Kitselman, Menke, Peterson, Ramirez, Rehberg, Roth, Sands, Stratford, Swift, Switzer, Thomas, Wallin.

Total 25

Excused: Thoft.

Total 1

Absent or not voting: Hoffman, Nathe.

Total 2

Representative Hannah moved that the rules be suspended to allow the following bills to be heard on both second and third reading the 72nd legislative day: HB 627, HB 787, HB 884, HB 889, HB 894, HB 895, HB 901, HB 903, HB 904, HB 905, HB 906, and HB 2. Motion carried. (72-26)

#### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/31/87

Correctly printed: HB 787, HB 884, HB 894, HB 895, HB 901, HB 903, HB 905, HB 909, HJR 46, HJR 48.

Correctly engrossed: HB 38, HB 861.